CITY OF PORT HURON
2007
Council-Manager Government

MAYOR
Brian J. Moeller

COUNCIL

Mark A. Byrne
Alan D. Cutcher[1]*
James M. Fisher
David Haynes*
Sally A. Jacobs*
Alan Lewandowski
Timothy A. McCulloch
B. Mark Neal*
James A. Relken
Laurie Sample-Wynn*
Al Wright

[1]Mayor from Jan. 1 – Nov. 12, 2007
*Term expired November 12, 2007

ADMINISTRATIVE OFFICERS

City Manager
Karl S. Tomion

Bureau of Public Information & Complaint
Pauline M. Repp..... Director

City Clerk's Office
Pauline M. Repp.....City Clerk

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

Data Processing
James J. Brennan..... Manager

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

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

Law Department
John Livesay ..... City Attorney

Marinas
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 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
Laura Luttrell
Darcy Macke
Alice Mariani
Carolyn McNeill
Kathleen Mrozek
Alice O'Neil
Evelyn Rogers
Howard W. Sloan
Ann L. Stine
Jane Sturdevant
Jean S. Webb
Tami Zimmer
Vacancies - 7

Board of Review

Timothy P. Kearns
Judith Novar
Gary F. Westrick

Brownfield Redevelopment Authority

Mike Cansfield
Keith Flemingloss
Donna Klune
John H. Ogden
Mike Rossow
Lynne M. Secory
Vacancy

Canvass Board

Carolyn S. Holley
Karen S. Jamison
Mary J. Sams
Vacancy

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
Richard C. Engle
Kenneth Montgomery
Jerry Thibodeau
Karl S. Tomion

Economic Development Corporation

Harlan E. Blomquist
Kathleen C. Doelle
R. James Marsh
John H. Ogden
Gene A. Ryan
Vacancies - 4

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

BOARDS, COMMISSIONS AND AUTHORITIES

Housing Commission
Sherry Archibald
Jane E. O'Sullivan
Richard S. Pack
Earl Shoulders
William E. Smith

Income Tax Board of Review
Reginald T. Cummings
C. Dale Hoy
James McCandless

Local Development Finance Authority
Douglas R. Alexander
Marshall Campbell
Troy Clark
Stephanie Eagen
Shaun Groden
Darlene Jacolik
Kirk A. Kramer
Vickie Ledsworth
John H. Ogden
Thomas B. Shorkey
Joe Vito

McMorran Auditorium Authority
James Bridge
James R. Currier
Juanita A. Gittings
John W. Hill
Audrey E. Pack
Susan Porrett
Donna K. Schwartz
James R. Shaw, Jr.
Gregory Stremers

Planning Commission
Sharon Bender
Robert Clegg
Janice T. Littlefield
Mike Rossow
David M. Schwartz
Jeffrey R. Smith
Rock Stevens
Jeffrey L. Wine
Al Wright

Port Huron Building Authority
Don B. Cole, II
Vacancies - 2

Rental Housing Board of Appeals
Steve Gurne
Trish Marcoux
Linda Reichenbach
Ron Saffee
Bill Vogan

Sister City Commission
Louise Bauman
John Cruz
Armstead Diggs
Thomas Hamilton
Kathy Johnson
Irene Michels
Rev. Thomas Seppo
Vacancies - 2

Tax Increment Finance Authority
Douglas R. Alexander
Darlene Jacolik
Donna Klune
Karl S. Tomion
Joe Vito
Vacancies - 2

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

Zoning Board of Appeals
Michael P. Cogley
James Dewey
James B. McDonald
Larry McNamara
David Schwartz

INDEX OF MINUTES

A

AGREEMENTS

Agreement w/Pro-Tel, Inc., for 911 equip maint 2

Agreement w/St Clr Co Clk to conduct school elections 8

Agreement w/Huron Consult, Bancroft Underground Stor Tank.. 14

Agreement w/Rowe, Inc., for Vanness Area Sewer Sep proj 14

Agreement w/Tetra Tech MPS for 21st St Area
Phase I sewer sep 14

Agreement w/G & K Services, uniform services 22

Agreement w/Lions Club for concessions, Pine Grove Pk 50

Agreement w/MDOT for Gratiot Ave reconstruction 56

Agreement w/BMJ for Gratiot Ave reconstruction 57

Agreement w/MDOT for 7th St bridge rehab 66

Agreement w/HNTB Michigan, Inc., 7th St bridge rehab 67

Agreement w/DLZ Michigan, Inc., 7th St bridge rehab 67

Agreement w/PHASD for use of school buses for recreation 72

Agreement w/Tetra Tech for eng coord & admin of CSO proj 79

Agreement w/Plante & Moran to conduct audits 98

Agreement w/Huron Environmental, Bancroft Warehouse
Underground fuel tank removal 104

Agreement betw PHPD & Housing Commission, police serv 105

Agreement w/Hartford Ins Co for property loss coverage 108

Agreement w/Motorola, Inc., communications center support ... 109

Agreement w/Anlaan Corp for use of city prop for staging 112

Agreement w/Mich Waterways Comm for conveyance of
Water Street Marina 114

Amendment to agreement w/Waste Management, Inc. 120

Agreement w/Invensys Systems, Inc. for software for WWTP .. 120

Agreement w/Tetra Tech MPS for computer programming
for WWTP 120

Agreement w/Motorola, Inc., for connection of analog
consoles to 800 MHz network 147

Agreement betw City, Housing Comm & MERS 151

Agreement w/SBA Towers, Inc., re revenue sharing of tower ... 195

Agreement w/Identix for maintenance of fingerprint syst 205

Agreement w/Pro-Tel for maint of 911 equip 205

ALLEYS

Vacations
Blk bound by Water, 15th , Carleton, 16th & 17th Sts
Hearing set 4
Hearing 13
Vacated 15

Blk bound by Pine, Wall, 6th & 7th Sts
Hearing set 4
Hearing 13
Vacated 16

ASSESSMENTS – GENERAL

2007 Assessment Roll confirmed 59

ASSESSMENTS – SINGLE LOT

(Also see "Code Enforcement")

Residential blight/trash/weed/brush cleanup
Assessment declared 2, 4,15,16,22,30,50,57,67,68,79,98,
..... 108,109,112, 119,124,135,137,146,151,195,214,215
Assessment rescinded 124

Sidewalk assessments declared 136,194,214

Demolition assessments declared 21,108,118

AUDIENCES

P Churchill, memorial for C Klotz in Veteran's Cemetery..... 1

A America, misc items 1,7,191

A O'Neil, misc items.....1,13,83,111,123,211

K Harris, misc items.....1,13,19,49,53,71,83,101,
.....107,117,145,192,203

Various persons re BW Bridge Plaza expansion 7,41

R Nemitz, re marketing boating 13,192,203,211

E Dost, re BW Bridge Plaza expansion 19

R Murphy, re funding for street repair in Vanness/Nern area 19

Various persons re tattoo ordinance 19

Various persons re City uniform bid 19

D Cummings, re casino 41,112

Living in Limbo group, re B W Bridge Plaza expansion 49

P Chapman re "no pkg" order on Lincoln Ave 63

R Kelly & K Jurs, completion of work done in neighborhood 71

J Webb, re budget and water/sewer rate increases 83

R Palmer, re roundtables & condition of City 83

Various persons re Pine Grove Park traffic flow 101,107

N Webster & R Cummings re McMorran 101

B Roberts, re using vacant lots at PH Hospital for pkg 111

T Avedesian, re roundtables & water/sewer rate increases, misc 111,123,149,203

S Thornton, re blighted conditions in neighborhood 111

L Desjardin, re bike path on Michigan St 111

K Chaudry, re prayer at Council meetings 111

J Webb, re water/sewer rate increases 112

E Smallwood, re ideas for Recreation Dept to reduce budget 117

P Long, re misc budget items & downtown development 117

K Chaudry, re invocations prior to Council mtgs 117,211

J Louks, re sewer backup in Colonial Woods Sub 117

C Fullgrapp, re sewer backup in Colonial Woods Sub 117

J Rumford, re roundtables 123

D Ellingwood, re street lights, music downtown ... 123,145,149,199

J Costick, re his view of Port Huron 123

J Webb, re roundtables & water rates 123

Citizen, re whether fee could be charged to vacant prop owners 123

J Prevost, re roundtables 123

K Byrne, re roundtables & budget 123

A Fuller, re fire department 130

P McPharlin, re stop signs in Pine Grove Park area 130

Various persons re budget amendments & financial plan 143

J Rosales, re blight conditions on Stanton St 145

B Diehl, re change in zoning ord 145

Judge Platzer, re reinstating DARE officer 145

P Schultz, re being a write-in candidate for Council 145,149,192

M Shaw, re lack of things to do 149

S Groden, re MDOT presentation 149

A Hudson, re promotion of good health in Port Huron 191

S Bender, re McMorran & BW Bridge Plaza proj 192

M Enright, re plowing of snow 192

Sev citizens, re parking 199

Sev citizens, re marketing Port Huron 199

D Jurk, re idea for water/sewer rates 203

H Brown, re water/sewer rates 203

M Bodeis, re budget 203

M Pochodylo, re reinstating DARE officer 203

Sev citizens, re reinstating DARE & Comm Serv officer 211

K Vettese, re against parking on grass in city parks 211

J Morrison, re portable fire pits as health & environ problem 211

L Boulier & P Whetstone re cable & local origination 211

A Chaudry, re support of eliminating blight program 211

M Eaton & T Morrison, against alcohol in parks 211

M Little, re alcohol & more money for him if allowed 211

AUDIT

Plante & Moran, agreement appvd 98

AUDITORIUM AUTHORITY

(Also see "Boards & Commissions")

Letter of opinion on agreement between Auth & City 102

AWARDS & PRESENTATIONS

Proc recognizing Jan. 15 as MLKing, Jr., Remembrance Day 1

Presentation of First Night paintings to citizens of PH 7

Proc designating Jan 30-Apr 4 as "A Season for NonViolence" 7

Presentation by US Postal Service on their relocation 7

Presentation by MDOT on BW Bridge Plaza expansion 7

Presentation by Chief Corbett on 2006 crime statistics 13

Presentation by R Clegg on CSO project 13

Presentation by D Alexander, EDA, on Collins & Aikman 19

Presentation by J Ogden on cost summary of CSO proj 19

Presentation by M Langolf, PH Neighborhood Housing 19

Presentation by Black & Veatch on water/sewer rate study..... 41

Proc recognizing 100th anniversary PH Schubert Male Chorus ... 49

Introduction of guests from Guatemala 49

Presentation by K Tomion & Kezziah Watkins on roundtable process for public input on ways to fund CSO proj 49

Presentation by R Clegg on construction projects 49

Proc declaring May 13-19 as Police Week & May 13 as Peace Officers Memorial Day 63

Proc declaring Apr 27-May 6 as Lions White Can Week 63

Proc declaring May 12 as National Assoc of Letters Carriers Food Drive Day 63

Proc recognizing Arbor Day on Apr 27 63

Presentation by R Clegg on Thos Edison roof replacement..... 71

Presentation by Double Play of CD entitled "Cool City" 101

Presentation by R Clegg on Pine Grove Park traffic flow..... 101

Presentation by M McGee on CSO proj & Bolt decision 101

Presentation by R Clegg, timing of traffic signals 110

Presentation by S Groden & T Reilly on 800 MHz syst 111

Presentation of Guide to Port Huron Architecture, L Stevens 117

Proc designating Sept 21-23 as Hobo Days 129

Yard of the Year awards 129

Presentation by L Volk on target market analysis study 129

Presentation on revised utility rate study 129

Proc designating Oct as United Way of St. Clair Co month 145

Report by G Greeneisen, Terra Land Group 149

Presentation by M Webb, MDOT, re Blue Water Bridge proj.... 149

Proc designating Nov as National Hospice Month 191

Proc designating Nov 10-18 as Homeless Awareness Week 191

Presentation by D Alexander & S Willmott re New Markets Tax Credits & hiring of DDA director 191

B

BEAUTIFICATION COMMISSION/REQUESTS

(See "Boards & Commissions")

BIDS – GENERAL

Bids accepted:

Hammar's Contr, removal of spoils pile 14

Joe Young Exc, demo of 612 Glenwood..... 20

Malcolm Marine, dredging of River St & Water St marinas 20

GFB Tree Trimming, stump removal serv 21

Michigan Pavement Markings, street striping..... 41

Hypo Syst, sodium hypochlorite 42

Zimmer Roofing, roof repair of WRF 42

S A Torello, remove contaminated soils, Grandview Tower 49

Synagro, LLC, WRF bio-solids dewatering 50

Hammars Contracting, demo of 612 Glenwood..... 51

Reasonable Roofing, Thos Edison depot roof..... 64

Western Water Proofing, MOC pkg garage rehab 64

K A Steel Chemicals, sodium hydroxide 71

Job Site Serv, Bancroft warehouse fuel tank replacement.. 102

Dependable Heating & Cooling, Bancroft warehouse 102

P H Electric Motor Works, repair of pump motor..... 124

Detroit Salt Co, salt..... 145

BS&A Software, equalizer tax & delinquent personal property syst program 151

Bids rescinded:

Joe Young Exc, demo of 612 Glenwood..... 51

BIDS –
PARKING, PAVING, SEWERS, SIDEWALKS, WATER

Bids accepted:

Pamar Enterprises, Vanness Area Sewer Sep..... 13

Murray Underground Syst, Gratiot Ave Storm Outfall 55

Hinojosa Const, Holland Ave @ Pine Grove intersection.... 64

All Type Cement, annual sidewalk contract..... 64

All Type Cement, 2007 CDBG sidewalk program..... 102

SLC Meter Service, replacements 150

SLC Meter Service, handheld data collector 150

Fedewa, Inc., painting proj, Water Filtration Plant..... 150

Scientific Methods, Inc., cryptosporidium analysis..... 212

BIDS – VEHICLES & EQUIPMENT

Bids accepted:

Glenn Buege Chev, 2007 Malibu LS, Police Dept 20

Berger Chev, 2007 Impala LS, Fire Dept 20

Gorno Ford, (3) 2007 Crown Victorias, Police Dept..... 20

Motorola, Inc., two-way radios..... 118

Detroit Air Compressor, air compressor..... 130

Motorola, Inc., radios for 800 MHz system..... 150

Gorno Ford, 2008 Crown Victorias (4) 203

SLC Meter Service, water meter data recording syst..... 212

Wolverine Truck Sales, salter & snow plow 212

Bids rejected:

Jones Equip, mower 112

BLIGHT

(Also see "Ordinances" & "Revitalizing Port Huron")

BLUE WATER HABITAT

(Also see "Land Sales")

Request granted to waive permit fees 117

BOARDS & COMMISSIONS

Student volunteers on boards
Report, received & filed..... 80
Certificates of recognition 83

Beautification Commission
J Webb reappt; N Langolf & D Lemke apptd
life members..... 66
Yard of the Year awards 129

Blue Water Area Transportation Commission
Appt of Councilmember, postponed 195
Councilmember Byrne appt alternate..... 206

Board of Canvassers
K Jamison, reapptd 217

Board of Review
T Kearns, J Novar, G Westrick apptd 2
Assessment roll confirmed..... 59

Brownfield Redevelopment Authority
M Byrne, M Cansfield reapptd 59

Downtown Development Authority
J Thibodeau apptd 8
M Brooks, M Campbell reapptd 24

Economic Opportunity Committee
Appt of Council member postponed..... 195
Councilmember McCulloch apptd..... 206

Historic District Commission
K Banker, B Roberts, W Vogan reapptd 30

Housing Commission
Agreement w/PHPD to provide police services..... 105
Special meeting to discuss separation from city..... 141
Res dictating reporting requirements to the City..... 147
Amend Chap 2, Administration, Art IV, Div 3,
Housing Commission, to clarify relationship
1st & 2nd reading..... 148
Joint Transfer Agreement appvd w/City & MERS 151
E Shoulders, reapptd 212

Income Tax Board of Review
R Cummings apptd..... 50

Local Development Finance Auth
D Alexander, K Kramer, S Groden reapptd; T Shorkey
apptd 103

McMorran Auditorium Auth
S Porrett apptd..... 22
Letter of opinion on agreement w/City, rec & filed 102
Articles of Incorporation amended..... 215

Planning Commission
S Bender, M Rossow reapptd..... 125
Appt of Councilmember postponed 196
Councilmember Wright apptd..... 206

Rental Housing Board of Appeals
L Reichenbach, R Saffee reapptd 103

Sister City Commission
M Byrne, T Hamilton, T Seppo reapptd 104

Zoning Board of Appeals
J Dewey apptd; M Cogley, J McDonald reapptd..... 125

BOARD OF REVIEW

(See "Boards & Commissions")

BONDS

(Also see "Ordinances")

General Obligation Limited Tax Bonds
Issue auth..... 24
Issue of refunding bonds 152
Increase maximum aggregate principal amount of bonds... 155
Designation as qualified tax exempt obligations 208
Designate Open Market Bond sale 209

BRIDGES

7th St Bridge Rehabilitation
Michigan Jobs Today grant accepted..... 3,67
Agreement appvd w/MDOT..... 66
Agreement appvd w/HNTB Michigan, Inc..... 67
Agreement appvd w/DLZ Michigan, Inc..... 67
Agreement appvd w/Anlaan Corp for staging area..... 112

Blue Water Bridge Plaza Project
Updates, presentations, etc 3,9,14,21,48,51
Presentation by MDOT officials..... 7,149
Public audiences, several citizens..... 7,41,149
Living in Limbo group 49
Draft Environmental Impact Statement objections..... 204

BROWNFIELD REDEVELOPMENT PLAN

(Also see "Boards & Commissions")

BUDGET

Revenue sharing
MML video presented 19

2007-08 Budget
Roundtables
City Manager's recommendation 41
Roundtable process appvd..... 49
Givens for budget roundtables..... 53,56
Presentation on results..... 123
Audience 123
Public hearing scheduled..... 124
Hearing..... 129
Revised utility rate study presentation..... 129
Recommendations adopted & budget workshop scheduled for Sept 24..... 130
Establishing format and date for budget work session..... 61
Presentation by J Ogden 63
Transmitted for review & hearing set..... 69
Hearing..... 71
Review..... 81
Adopted.....88-97
Budget amendments and comprehensive financial plan
Public audience 143
Approved..... 143
Request for line item budget, contracts & org charts..... 196
Budget amendment to restore animal control officer..... 204
Restoration of DARE & Comm Serv Officer, audiences ... 211
Announcement that budget was online..... 218

2006-07 Budget
Supplemental appropriations and/or transfers..... 83

Audit
Agreement appvd w/Plante & Moran 98

BUSES

(See "Transportation")

C

CABLE

Presentation by R Clegg..... 211

Elimination of local origination
L Boulier & P Whetstone, in opposition 211

CANVASS BOARD

(See "Boards & Commissions")

CAPITAL IMPROVEMENT PROGRAM

2007-08 through 2012-13 Capital Improvement Program
Presentation by R Clegg..... 63
Transmitted for review & hearing set..... 69
Hearing..... 71
Adopted..... 97

CASINO

(See "Audiences" also)

Request for support of congressional delegation..... 114

CEMETERY

(Also see "Lakeside Cemetery")

Veteran's Cemetery
Request for memorial for C Klotz 1
Report & request appvd 7

CDBG FUNDS

(See "Community Development")

CSO'S (Combined Overflows)

(See "Sewers")

CHARTER

(See "Elections")

CITY COUNCIL

(Also see "Elections")

Work/special sessions 9,53.141,197,201

Scheduling meetings 61,138,196

Misc business 5,9,18,40,48,51,60,69,80,99,105,110,114,122,
.....127,138, 148,196,218

Rescheduling and/or cancellation of meetings 73,196

Conflict of interest
Mayor's declaration..... 199

Council support of various issues
Support of legislature finding full replacement for SBT & funding solutions for budget deficit 60

Executive Sessions
Review legal opinion 11
Collective bargaining agreement negotiations 61,114
City Manager's evaluation 139

Goals
Presentation by City Mgr 1
Goals adopted for 2007 3
Spec mtg scheduled 196
Goals of each Councilmember stated 197

Nov 7 City Council election
Canvass report, received & filed 191
Oath of office administered to new members 191
B Moeller elected Mayor & oath administered 191
J Fisher elected Mayor Pro-tem & oath administered 191

Appointment of Council members to various boards
Postponed 195-196
Councilmember McCulloch apptd to EOC 206
Councilmember Byrne apptd alternate to BWATC 206
Councilmember Relken apptd delegate & Mayor Moeller apptd alternate to SEMCOG 206
Councilmember Lewandowski apptd to EDA 206
Councilmember Wright apptd to Planning Comm 206

Res to eliminate Council pay
Introduced 196
Lack of motion 205

Res directing adm to request employee voluntary pay reductions
Introduced 196
Lack of second 206

Rules of Procedure, Rule 4 amended
Add presentations & revise public hearing section
Postponed 208
Adopted 213

Various ordinance changes introduced by Councilmember Byrne 216

CITY EMPLOYEES

Uniform services, agreement appvd w/ G & K Serv 22

Adoption of MERS retiree health funding vehicle 76

CITY MANAGER

Reports, updates and/or presentations 1,11,14,19,41,49,53

City Manager evaluation 121,138,139,150

CODE ENFORCEMENT

#06-004, 612 Glenwood
Demo bid accepted, Joe Young Exc 20
Joe Young bid rescinded & given to Hammars Cont 51

#07-44, 2612 Armour St
Hearing set 59
Hearing 63
Immediate demolition appvd 68

#07-54, 1802 Martin Ave
Hearing set 68
Hearing 71
Postponed 78
K Chaudry, audience 101
Rejected 101

#07-005, 725 Chestnut St
Hearing set 121
Hearing 129
Postponed 134,215

#07-109, 1704 – 8th St (garage structure)
Hearing set 125
Hearing 130
Immediate demolition appvd 134

COMMUNICATIONS – MISC.

K Cummings, re outstanding police dept in City 83

C DiGiacinto-Davis, re support of rec programs 117

S Stefanides & C Brophey, Arbors at St. Clair, requesting position of community services officer be reinstated 145

K Harris, re support of Terra Land 150

COMMUNITY DEVELOPMENT

(Also see "Rehabilitation Grant Program")

CDBG & HOME Funds
Re-allocation of 2005 CDBG funds
Hearing set 8
Hearing 13
Appvd 16

Allocation of 2008 funds
Hearing set 215

Annual Action Plan
Hearings scheduled 215
Hearing 13
Appvd & auth submission 43

2006 & 2007 HOME funds allocated to PHNHC 43

US Dept of HUD, Economic Development Initiative Special Grant
Subrecipient agreement w/PHNHC appvd 43

Nat'l Community Development Week recognized 58

CAPER
Hearing set 79
Hearing 83
Auth submission 103

CONFERENCES & MEETINGS

MML
Annual Legislative Conf, Lansing, March 2007 1
Annual Conf, Traverse City, Sept , 2007, delegates apptd.. 117

National League of Cities
Congressional City Conf, Mar 2007 1

CONFLICT OF INTEREST

Report from Director of Finance, received & filed 118

D

DEMOLITION
(Also see "Code Enforcement")

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

DDA
Budget
Transmitted, hearing set 64
Hearing..... 71
Adopted..... 97
Redevelopment project area established 110

MainStreet Streetscape (Huron Ave n of Black River)
Special assessment
Report from City Mgr declaring spec assessment 74
Necessity determination & estimated cost..... 75
Hearing set 75
Hearing..... 83
Appvd..... 86

Target market analysis
Zimmerman/Volk Assoc study, received & filed..... 117
Presentation by L Volk 129

Report by G Greeneisen, Terra Land Group..... 149

Presentation by D Alexander & S Willmott re New Markets
Tax Credits & hiring of DDA director..... 191

E

EASEMENTS

Vacation of public utility easement
Vacated 23rd St, portion of
Hearing set 74
Hearing..... 101
Vacated..... 103

Vacation of public utility easement
1905 Beard St
Hearing set 218

ELECTIONS

Agreement appvd w/County Clk to conduct school elections 8

Canvass Report
Nov 7 election, City Council, received & filed 191

ELECTRICAL BOARD
(See "Boards & Commissions")

ELECTRICAL CODE
(See "Ordinances")

EMERGENCY MANAGEMENT
(Also see "Grants")

Hazard Mitigation Plan adopted..... 4

DHS Assistance to Firefighter Grant Program Agreement appvd 21

F

FEES

Various zoning permit & inspection fees adopted..... 109

FINANCIAL

Quarterly Financial Reports, transmitted.....13,71,192

Comprehensive Annual Financial Report
Transmitted, rec & file 212

FIRE DEPARTMENT
(Also see "Grants")

Report on fire & medical call exp, received & filed..... 7

FORT GRATIOT LIGHTHOUSE

FRANCHISES
(See "Ordinances")

G

GOALS
(Also see "City Council")

GRANTS
(Also see "Parks & Recreation")

Michigan Jobs Today grant
Street, storm sewer improvements on Gratiot 2
Rehabilitation of 7th St Bridge..... 3,67
Gratiot Ave reconstruction, Krafft to Keewahdin 56

DNR
Grant auth for dredging of marinas 15

US Dept of Homeland Security Emergency Preparedness
Assistance to Firefighter Grant Program, appvd..... 21

US Dept of HUD, Economic Development Initiative Special Grant
Subrecipient agreement w/PHNHC appvd 43

H

HOUSING COMMISSION
(Also see "Boards & Commissions")

I

INDUSTRIAL DEVELOPMENT

Michigan Metal Coatings Co, IFEC
Hearing 1
Appvd 2

GMA Cover Corp, IFEC's
Hearings set 15,57,58
Hearings..... 19,63
Appvd 21,65

GMA Cover Corp, Plant Rehab District
Request for creation of district, rec & file..... 49
Hearing set..... 51
Hearing 55
Appvd 57

BioPro, Inc., IFEC
Hearing set..... 58
Hearing 63
Appvd 65

ALD Thermal Treatment, IFEC
Hearing set..... 59
Hearing 63
Appvd 65

Domtar Industries, Inc., IFEC
Hearing set..... 79
Hearing 83
Appvd 87

SMW Automotive, IFEC
Hearing set..... 102
Hearing 107
Appvd 108

LDM Technologies, IFEC
Hearing set..... 122
Hearing 129
Appvd 134

Blue Water Automotive Systems, Inc., IFEC
Hearing set..... 137
Hearing 145
Appvd 146

IAC Port Huron, LLC, IFEC
Hearing set 207
Hearing..... 211
Appvd..... 212

INDUSTRIAL PARK
(Also see "Land Sales")

SMW purchase 1

Collins & Aikman, presentation by D Alexander..... 19

J - K

L

LAKESIDE CEMETERY

LAKESIDE PARK
(See "Parks & Recreation")

LAND ACQUISITION

Vacant lots, various tax foreclosed properties..... 108

Single-family homes, various tax foreclosed properties, for resale to P H Neighborhood Housing Corp 215

LAND SALES

2223 Dove St..... 1
Vacant lot, adj to 1312 - 11th St..... 8
Vacant lot, 2100 blk of Minnie St 43
Vacant lot adj to 2922 26th St..... 68
Vacant lot, adj to 3111 Electric 78

LEASES
(Also see "Municipal Office Center")

LEGISLATIVE INITIATIVES

Support for SB 550 & 551..... 119

LICENSES
(See "Taxi Cabs")

LIGHTHOUSE PARK
(See "Parks & Recreation")

LINCOLN PARK
(See "Parks & Recreation")

LIQUOR LICENSES – MISC.

Withhold licenses:
Hearing set (5 establishments) 5
Hearing (3 establishments) 13

LIQUOR LICENSES – CLASS C or C/SDM

Bistro
Hearing set for withholding license 5

Blue Water Bowl
Hearing set for withholding license 5
Hearing 13

Main Street Live
Hearing set for withholding license 5
Hearing 13

Martini Joe's
Hearing set for withholding license 5

Streamline Tavern
Hearing set for withholding license 5
Hearing 13
Res objecting to renewal 30
Res recommending appvl 44

Transfers:
Figaro's, from ENSN, Inc. to Figaro's Lounge, LLC 146
MXBar, LLC, from Fort Gratiot Twp escrowed license 152

LIQUOR LICENSES – SPECIAL DDA LICENSE

Casey's Pizza & Sub Shop
Recommending MLCC approve liquor license 72,110

Raven Coffeehouse
Recommending MLCC approve liquor license 104,118

LIQUOR LICENSES – SDD & SDM

Transfers:
Brikho Corp from Dunn Co. Ltd, 2304 Hancock St 107

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

M

MAINSTREET

Permit fees waived for various events 20

MARINAS

Dredging of River St & Water St marinas
DNR grant auth 15
Malcolm Marine, bid accepted 20

Water Street Marina
Agreement w/Mich State Waterways Comm 114,137

McMORRAN AUDITORIUM
(Also see "Boards & Commissions")

Transfer to Trust Receipt to Community Foundation 8

City Mgr directed to prepare transition plan for governance 144

Report & recommendation for future operation 194

Meeting w/McMorran Authority 201

Articles of Incorporation to extend Authority, adopted 214

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

Certifying of delegates to annual mtg 119

Joint transfer agreement betw City, Housing Comm & MERS .. 151

MICHIGAN MUNICIPAL LEAGUE
(See "Conferences & Meetings")

MISCELLANEOUS

Property loss coverage
Agreement w/Hartford Ins Co, appvd 108

FirstNight Port Huron
Waive permit fees, appvd 192

Agreement appvd w/SBA Towers, Inc. for revenue sharing of cell phone commun antennae at N E Service Center 195

Farmer's Market
Vendor fees waived 203

MUNICIPAL OFFICE CENTER

MUSEUM

Permit fees waived, Feast of the Ste Claire 55

Thomas Edison Depot
Roof replacement
Reasonable Roofing, bid accepted 64
Presentation by R Clegg 71

N

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

NEIGHBORHOOD REVITALIZATION

Neighborhood Enterprise Zone Rehabilitation Certificate (NEZ)
McKeough, LLC, 215,217,219 Huron Ave, appvd 23
Tecumseh, LLC, 231, 233 Huron Avenue, appvd 136
C B Deligianis & Sons, 227 Huron Avenue, appvd..... 147

NONPROFIT ORGANIZATIONS

Blue Water Sportfishing Assoc, recognized 51

SC4 Foundation, recognized..... 113

O

OAK CREST CONDOMINIUMS
(Also see "Ordinances")

Conveyance of portion of vacated Jay St ROW..... 98

ORDINANCES

Enacted:

Amend Chapt 16, Art IV for PILOT for Grandview Tower
1st & 2nd reading..... 9
Enacted (No. 1274)..... 16

Amend Chapt 18, election boundary change for Pcts 4-10
1st & 2nd reading..... 18
Enacted (No. 1275)..... 31

Amend Chapt 12, add Art XV, Tattoo Establishments
Audience, several persons..... 19
1st & 2nd reading..... 40
Enacted (No. 1277)..... 44

Series 2007 Water Bond Ordinance
1st, 2nd, 3rd & final reading & enacted (No. 1276)..... 32

Rezoning, Oak Crest Homes prop in blk bound by 8th, 7th, Oak & Griswold Sts
Hearing set 44
Hearing..... 55
1st & 2nd reading 60
Enacted (No. 1278) 69

Amend Chapt 24, Fire Prevention & Protection, to add Art III, Cost
Recovery for Fire Dept, Hazardous Materials Responses
1st & 2nd reading 122
Enacted (No. 1279) 126

Amend Chapt 52, Zoning, update chapter
lst & 2nd reading 147
Public audience, several persons..... 149,150
Enacted (No. 1280)..... 156

Amend Chapt 2, Administration, Art IV, Div 3, Housing Comm to clarify relationship
1st & 2nd reading 148
Enacted (No. 1281) 189

Various ordinance amendments introduced by Councilmember Byrne – Chapter 4, Section 4-2(a) and (b), 4-2(b)(1); Chapter 6; Chapter 24, Sec 307.3.3b(1); and Chapter 36, Sec. 36-8, Sec. 36-9, Sec. 36-10 and 36-14. 216-217

P

PALMER PARK
(See "Parks & Recreation")

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

Parking fees, rates & charges confirmed 96

PARKS & RECREATION

Parks & Recreation Plan, 2007-11
Hearings set..... 50,74
Hearings 55,107
Appvd..... 58,109
Rescinded..... 74

Pine Grove Park
Lions Club concession, agreement appvd 50
Traffic flow
Presentation by R Clegg..... 101
Audience, several persons..... 101
Hearing set..... 104
Hearing 111
Temp traffic control orders directed 113

Acknowledgment of Dr Acheson's donation to Rec Dept..... 114

PAVING
(Also see "Streets")

PINE GROVE PARK
(See "Parks & Recreation")

PLANT REHABILITATION DISTRICT
(See "Industrial Development")

PLANNING COMMISSION
(See "Boards & Commissions")

POLICE DEPARTMENT

911 equipment maint
Agreement w/Pro-Tel, Inc., appvd 2

Report on 2006 crime statistics 13

Agreement w/PH Housing Commission for police services..... 105

Agreement w/Motorola, Inc.., communications center support.. 109

Notification from CALEA of reaccreditation..... 130

Agreement w/Motorola, Inc., for connection of analog consoles
to 800 MHz network 147

Agreement w/Identix for maint of fingerprinting syst 205

Agreement w/Pro-Tel, Inc., for maint of 911 equip 205

Restoration of DARE officer & Community Services officer
Public audience, several citizens 211

PORT HURON AREA SCHOOL DISTRICT

Agreement to provide school buses for rec programs 72

Student volunteers
Report 80
Certificates of recognition presented 83

PORT HURON BUILDING AUTHORITY
(See "Boards & Commissions")

PUBLIC WORKS

Gratiot Ave, Krafft to Keewahdin sewer street improvements
Jobs Today grant accepted from State of Mich 2

Designated personnel auth for permits to work in MDOT
ROW 24

Update of construction projects 49

Amendment to agreement w/Waste Management for solid
waste/recycling services 120

2007 Amendments to Solid Waste Management Plan
Postponed 120
Adopted 123

MDEQ annual NPDES discharge permit fee, approved 214

Q

R

RECREATION
(See "Parks & Recreation")

REHABILITATION GRANT PROGRAMS
(Also see "Housing")

RENTAL ORDINANCE
(Also see "Ordinances")

RETIREMENT SYSTEMS

MERS delegates/alternates apptd 119

REVENUE SHARING
(See "Budget")

S

ST. CLAIR COUNTY

Location of sheriff's office in Port Huron
Ltr to Atty General to enforce
Postponed 207

SEMCOG

Appt of Councilmember, postponed 196

Councilmember Relken, delegate, & Mayor Moeller, alt 206

SANBORN PARK
(See "Parks & Recreation")

SCHOOL BUSES
(See "Transportation")

SCHOOLS
(Also see "Port Huron Area School District")

SESQUICENTENNIAL

Presentation of First Night paintings 7

Sesquicentennial Committee
Presentation to middle school essay contest winners 101
Presentation by Double Play of "Cool City" CD 101
Updates 101

SEWERS

Combined sewer overflow (CSO)
Updates 13,19
Vanness Area Sewer Sep
Pamar Enterprises, bid appvd 13
Rowe, Inc., agreement for prof eng 14
21st St Area Phase I Sewer Sep
Tetra Tech MPS, agreement for prof eng 14
Engineering coordination & admin
Tetra Tech of MI, agreement appvd 79
Presentation by M McGee on Bolt decision 101

Water/sewer rates
Presentation of study by Black & Veatch 41
City Manager's recommendation 41
Roundtable process appvd 49
Givens for budget roundtables
Special meeting to discuss 53
Givens adopted 56
Rate adjustment 87
Water/sewer rates rescinded beyond June 30, 2008 207

SIDEWALKS
(Also see "Bicycle Paths")

Annual sidewalk contract 64

SISTER CITY
(Also see "Boards & Commissions)

Introduction of guests from Chiquimula, Guatemala 49

SKATEBOARD PARK
(Also see "Parks and Recreation")

SOUTHSIDE DEVELOPMENT

Southside Strategic Land Use Plan, received & filed 118

STREET LIGHTS
(Also see "Petitions")

STREETS
(Also see "Paving")

Gratiot Ave reconstruction, Krafft to Keewahdin
Agreement w/MDOT appvd 56
Michigan Jobs Today grant accepted 57
Agreement w/BMJ Engineers appvd 57

STREET VACATIONS

Portion of vacated Jay Street ROW conveyed to Oak Crest 98

Portion of 20th Street right-of-way
Hearing set 217

T

TATTOO ESTABLISHMENTS
(Also see "Ordinances")

Permit fees established 42

TAX EXEMPTION CERTIFICATES
(See "Industrial Development")

TAX INCREMENT FINANCING
(Also see "Boards & Commissions")

TAXES

Tax levy for 2007-08 97

TAXI CABS

2007-08 licenses auth 119

TRAFFIC ORDERS

Parking:
#1180, McMorran Blvd 22
#1182, Sanborn St 22
#1183, Lincoln Ave 66
#1181, Superior Mall 73
#1187, McMorran Blvd, rejected 73
#1185, LaSalle Blvd 113
#1186, Edison Blvd. 113
#1188, Sherman Ct 113

One-Way:
#1176, Fort St 72
#1177, Merchant St 73
#1178, Pine Grove Park Dr 73
#1179, Superior Mall 73

Yield:
#1184, Riverside Drive 97
#1189, Pine Grove Ave (Annex) 135
#1190, 15th Avenue 135
#1191, Concord Place 135
#1192, Concord Place 135
#1198, Pine Grove Park Dr 151

Stop:
#1193, Merchant St 136
#1194, Michigan St 136
#1195, Michigan St 136
#1196, Michigan St 136

Misc:
#1197, Michigan St (no truck traffic) 151

TRAFFIC STUDY COMMITTEE
(See "Boards & Commissions")

TRANSPORTATION

Agreement w/PHASD for use of school buses for recreation 72

BWATC
Tax levy 97
Appt of Councilmember postponed 195

U - V

W

WATER

Drinking Water Protection program
Memo of understanding appvd w/Macomb Co 5

Water/sewer rates
Presentation of study by Black & Veatch 41
City Manager's recommendation 41
Roundtable process appvd 49
Givens for budget roundtables
Special meeting to discuss..... 53
Givens adopted..... 56
Rate adjustment 87
Presentation on roundtable results 123
Public hearing scheduled..... 124
Updated utility rate study
City mgr directed to prepare..... 124
Presentation on revised rate study 129
Recommendations appvd & budget workshop scheduled for Sept 24 130
Budget amendments & financial plan with adjusted water rates adopted 143
Water/sewer rates rescinded beyond June 30, 2008..... 207

WATER RECLAMATION FACILITY (WASTEWATER)

Annual biosolids land application fee to MDEQ auth 3

Annual NPDES discharge permit fee to MDEQ auth 4

Agreement w/Invensys Systems for purchase of software..... 120

Agreement w/Tetra Tech MPS for computer programming 120

WATER FILTRATION PLANT

Drinking water monitoring & notification system
Local match payment of $5,000 auth 124

Painting project
Fedewa, Inc., bid accepted 150

Payment to MDEQ for comm. public water supply annual fee .. 207

X - Y

Z

ZONING BOARD OF APPEALS
(See "Boards & Commissions)

ZONING ORDINANCE
(Also see "Ordinances")

Special use permits:
Family day care home, 1911 12th St..... 102
Family day care home, 1121 Myrtle St 121
Family day care home, 1518 Union St 137
Family day care home, 1418 Scott Ave 137

Zoning permit & inspection fees adopted..... 109

(Page intentionally left blank)

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, January 8, 2007, 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 meeting of December 11, 2006, were approved.

PRESENTATIONS

1. Proclamation recognizing January 15, 2007, as Martin Luther King, Jr., Remembrance Day was presented to Donna Blay, St. Clair County Community College.

2. Douglas R. Alexander, Executive Director, Economic Development Alliance of St. Clair County, gave a presentation on the sale of 2223 Dove Street to SMW Automotive as well as a status report on the occupancy of the other buildings in the Industrial Park and the future need for a new speculative building.

3. Karl Tomion, City Manager, gave a presentation on the Council's proposed goals. (See Resolution #7)

PUBLIC HEARINGS

1. The Mayor announced that this was the time to hear comments on the application of Michigan Metal Coatings Company, 2015 Dove Street, for an Industrial Facilities Exemption Certificate. (See Resolution #2)

Douglas R. Alexander, Executive Director, Economic Development Alliance of St. Clair County, appeared with Steve Doyle, General Manager of Michigan Metal Coatings Company, requesting Council's approval of this application.

Anthony America, Port Huron, appeared stating his objection to giving tax exemptions to anyone but the citizens of Port Huron.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Paul Churchill, VFW Post 796, addressed the City Council requesting that a memorial be placed in the Veteran's Cemetery in honor of Clarence Klotz, with funding raised by the veteran's organizations. (Referred to administration for a report and recommendation for the next Council meeting, if possible.)

2. Anthony America, Port Huron, addressed the City Council objecting to prayers in City Hall, need for more than fireworks and Christmas decorations, objecting to city income tax, need for better emergency notification system, hospital care, and President Bush's policies.

AT THIS POINT (8:15 p.m.) a recess was taken until 8:20 p.m.

3. Alice O'Neil, Prospect Place, addressed the City Council praising the Port Huron Flags, the leaf collection program and First Night and further stated that the bell should be recovered from St. Clair County. She additionally commented on the loss of foot traffic with elimination of Sheriff's office downtown, the prospect of a casino in Port Huron and that the City should publish the Council goals in their newsletter.

4. Ken Harris, 1521 Wells Street, addressed the City Council thanking Karl Tomion for his comments on the Blue Water Bridge Plaza expansion project, praised the First Night event and stated that the next time there is a need for a boil water alert that the City err on the side of caution.

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:

- Silver Stick International Hockey Tournament will be held January 11 - 14 at McMorran Arena.
- Registration for winter City recreation activities will be held January 16 at Palmer Park for residents and January 17 for non-residents.
- Visit www. ph150.org for details about Port Huron's Sesquicentennial celebration.

COMMUNICATIONS & PETITIONS

***C-1.** Notification from the Michigan Municipal League that the Annual Legislative Conference will be held March 21, 2007, in Lansing, Michigan.

Received and filed and Council authorized to attend.

***C-2.** Notification from the National League of Cities that the Congressional City Conference will be held March 10-14, 2007, in Washington, D.C.

Received and filed and Council authorized to attend.

RESOLUTIONS

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

BE IT RESOLVED that the Finance Director is hereby authorized to pay the attached payments. (See City Clerk File #07-01)

Adopted unanimously.

***R-2.** 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, the Port Huron City Council held a public hearing on January 8, 2007, 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 Michigan Metal Coatings Company 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 Michigan Metal Coatings Company is located.

Adopted.

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

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

WHEREAS, the current contract with Pro-Tel, Inc. expired December 31, 2006, and have quoted $10,000/year to renew;

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

Adopted unanimously.

***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 2007 Board of Review:

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

BE IT FURTHER RESOLVED that the 2007 Board of Review shall convene on March 12, 2007, and continue in session as follows:

March 12, 2007	9:00 a.m. - 3:00 p.m.
March 14, 2007	6:00 p.m. - 9:00 p.m.
March 15, 2007	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, 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 $340.00 for weed, brush, or grass removal upon the lots and premises described in the attached special assessment report (see City Clerk File #07-02).

Adopted.

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

WHEREAS, Gratiot Avenue from Krafft Road to Keewahdin Road is in need of street and storm sewer improvements; and

WHEREAS, the City of Port Huron has secured Federal Surface Transportation Program (STP) funds to pay for a portion of this project; and

WHEREAS, the STP grant funds in the amount of $557,000 for fiscal year 2007 and $1,028,000 for fiscal year 2008 were awarded; and

WHEREAS, the City of Port Huron has secured a $257,000 State of Michigan Jobs Today grant to fund a portion of the project if the work is completed during the 2007 construction season; and

WHEREAS, it is in the best interest of the community to improve this corridor in a single construction season; and

WHEREAS, Michigan Department of Transportation (MDOT) is offering the City a construction loan to fund the 2008 award amount until the grant funds are available; and

WHEREAS, it is in the best interest of the City to accept the loan, the Michigan Jobs Today grant, and complete the project during the 2007 construction season;

NOW, THEREFORE BE IT RESOLVED that the City Council accepts the State of Michigan Jobs Today grant for street and storm sewer improvements on Gratiot Avenue from Krafft Road to Keewahdin Road and approves the City's loan application through MDOT to cover activities until the grant funds become available; and

BE IT FURTHER RESOLVED that Robert E. Clegg, P. E., be designated as the authorized agent for all activities associated with securing funding.

Adopted unanimously.

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

WHEREAS, the City Council desires to annually establish specific goals to address public policy issues affecting the citizens of the City of Port Huron; and

WHEREAS, the City Council held two work sessions with the City administrative staff to develop a proposed specific list of 2007 objectives; and

WHEREAS, these have been organized to address the following purposes:

- Support Quality Redevelopment
- Enhance Existing Neighborhoods
- Increase the Quality and Quantity of Community Employment Opportunities
- Maintain the City's Infrastructure and Facilities
- Support a Strong Financial Position
- Maintain Regulatory Compliance
- Improve Public Safety
- Maintain Regulatory Compliance
- Improve Citizen Communication

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby adopts the attached City Council Goals for 2007. (See City Clerk File #07-03)

Adopted unanimously.

NOTE: At this point, Mayor Cutcher requested a presentation from staff on the next City Council agenda on the status of the Bridge plaza project, and also requested that MDOT attend the January 22 Council meeting to discuss housing incentives in advance of them making any offers to property owners in Port Huron. He stated this will give the Council an opportunity to express their personal reactions and to then direct the staff to schedule a special Council meeting to receive public input on how the City should proceed.)

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

WHEREAS, the 7th Street Bridge over the Black River is in need of rehabilitation; and

WHEREAS, the City of Port Huron has secured High Priority Project (HHP) funding as part of the SAFETEA-LU Transportation Funding bill; and

WHEREAS, the HHP grant funds in the amount of $4,350,000 will be distributed in $870,000 allotments over the five year life of the SAFETEA-LU program; and

WHEREAS, the City of Port Huron has secured Local Bridge Funding in the amount of $4,457,000 in fiscal year 2007; and

WHEREAS, the City of Port Huron has secured a $1,087,500 State of Michigan Jobs Today grant to fund a portion of the project if the work is initiated in the 2007 construction season; and

WHEREAS, the Michigan Department of Transportation (MDOT) is offering the City a construction loan to fund the portion of the HPP grant funds that will not be available in 2007; and

WHEREAS, it is in the best interest of the City to accept the loan, the Michigan Jobs Today grant, the HHP grant, and the Local Bridge Program grant, and initiate the project during the 2007 construction season;

NOW, THEREFORE BE IT RESOLVED that the City Council accepts the State of Michigan Jobs Today grant for the rehabilitation of the 7th Street Bridge over the Black River and approves the City's loan application through MDOT to cover activities until grant funds become available; and

BE IT FURTHER RESOLVED that Robert E. Clegg, P.E., be designated as the authorizing agent for all activities associated with securing this funding

Adopted unanimously.

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

WHEREAS the Water Reclamation Facility generates biosolids as an end product of its wastewater treatment process; and

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

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

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

WHEREAS the MDEQ requires that the City of Port Huron obtain authorization under the auspices of the City's National Pollutant Discharge Elimination System (NPDES) Permit to operate its Biosolids Land Application Program, and the annual biosolids land application fee is based upon the equivalent dry tons applied to agricultural land (1,669 dry tons in 2006);

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the payment of $12,466.87 to the Michigan Department of Environmental Quality for the annual biosolids land application fee, required by the MDEQ for the administration of the Biosolids Land Application Program.

Adopted unanimously.

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

WHEREAS the Water Reclamation Facility operates under a National Pollutant Discharge Elimination System (NPDES) Discharge Permit required by the United States Environmental Protection Agency (EPA) and approved by the Michigan Department of Environmental Quality (MDEQ); and

WHEREAS, facilities operating under a NPDES permit are required to pay MDEQ an annual permit fee based upon a discharge authorized by the facility's permit; and

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the payment of $13,000.00 to the Michigan Department of Environmental Quality for the annual NPDES Discharge Permit fee.

Adopted unanimously.

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of $315.42 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk File #07-04).

Adopted.

***R-12.** WHEREAS, the City of Port Huron owns property in the block bounded by Water, 15th, Carleton, 16th, and 17th Streets, legally described as :

that portion of Alley 41 adjacent to Lots 1, 2, 3, 4, 15, and vacated Alley 48, Block 8, James H. White's Subdivision of a part of Section 3 and 4, City of Port Huron; and

WHEREAS, on January 2, 2007, the City Planning Commission held a public hearing to hear comments on the proposed vacation; and

WHEREAS, the City Planning Commission, after due consideration, recommended approval (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 vacation;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for February 12, 2007, to hear comments on the proposed vacation of the above-described portion of alley with the reservation of a full-width public utility easement.

Adopted.

***R-13.** WHEREAS, the City of Port Huron owns property in the block bounded by Pine, Wall, 6th, and 7th Streets, legally described as:

the full-width public utility easement located in vacated Alley #8, adjacent to Lots 1, 2, 3, 7, 9, and 11, Block 41, White Plat, City of Port Huron; and

WHEREAS, on January 2, 2007, 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 vacation;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for February 12, 2007, to hear comments on the proposed vacation of the above-described full-width public utility easement.

Adopted.

R-14. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron developed and submitted a Hazard Mitigation Plan to the U.S. Department of Homeland Security/FEMA for review; and

WHEREAS, the plan was required to meet criteria found in 44 CFR Part 201, as authorized by the Disaster Mitigation Act of 2000 for a single jurisdiction; and

WHEREAS, the City received notification from the U.S. Department of Homeland Security/FEMA that its single jurisdiction hazard mitigation plan has been reviewed and given contingent approval based upon final adoption by the City of Port Huron;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council adopt the Hazard Mitigation Plan for the City of Port Huron (see City Clerk File #07-05); and

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

Adopted unanimously.

R-15. 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 during the period of April 15, 2006 to September 30, 2008; and

WHEREAS, the estimated cost is approximately $1.8 million to be funded with 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 City Council authorized a $5,000 initial payment of its $10,000 share of the program cost at the July 10, 2006 council meeting; and

WHEREAS, it is necessary to enter into a memorandum of understanding with the County of Macomb and City of Port Huron regarding the Drinking Water Protection project;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the memorandum of understanding with County of Macomb for coordinating services for the Drinking Water Protection project and authorizes the appropriate City officials to execute the memorandum (see City Clerk File #07-06).

Adopted unanimously.

***R-16.** 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 :

Bistro 1882, 2333 Gratiot Avenue
Blue Water Bowl, 2419 Lapeer Avenue
MainStreet Live, 210 Huron Avenue
Martini Joe's, 3954 24th Avenue
Streamline Tavern, 1934 Lapeer Avenue

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 12, 2007, 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.

MOTIONS & MISCELLANEOUS BUSINESS

1. Mayor Cutcher congratulated Councilmember Sample-Wynn on the success of First Night. Councilmember Sample-Wynn stated that attendance was up and everything went very well. She said that they couldn't do it without the cooperation of a lot of people but especially the City Recreation Department and the Police, Fire and Department of Public Works employees. Additionally, she thanked those who allowed use of their buildings for the event. At the next Council meeting she will present 4 pieces of artwork, that were the joint effort of many, depicting the City's past and future and donate them to the City.

On motion (9:05 p.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

(Page intentionally left blank)

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, January 22, 2007, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Bob Diehl, St. Paul's Episcopal Church, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Cutcher.

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

Absent: Councilmember Fisher

The minutes of the regular meeting of January 8, 2007, were approved.

PRESENTATIONS

1. Laurie Sample-Wynn, First Night® Port Huron, presented to the citizens of Port Huron four paintings depicting Port Huron's past, present and future which were completed for First Night by artist Melissa Leaym-Fernandez and area children and adults.

2. Proclamation designating January 30 - April 4, 2007, as "A Season for Nonviolence" was presented to Lyn Chabot, Coordinator, Blue Water Season for Nonviolence.

3. Presentation given by Bryant Schroeder, Real Estate Specialist for the U. S. Postal Service, to inform postal customers of the need to relocate the current facility in Port Huron and to solicit public comment about the proposed action. He outlined the site selection process and stated they are soliciting proposals for the following: a retail site of 27,700 square feet to accommodate a 3,500 sq. ft. building, in the area bound by Glenwood Avenue, Oak Street, 7th Street and the St. Clair River; a carrier annex site of 4 acres to accommodate a 27,700 square foot building in the area bound by Black River, St. Clair River, Ravenswood Road and Wadhams Road.

4. Presentation given by Kris Wisniewski, Project Manager for the Blue Water Bridge Plaza expansion project, Michigan Department of Transportation; along with Matt Webb, Project Engineer for I-94/I-69 Black River corridor project; environmental representatives Lloyd Baldwin and Paul McAllister; Tom Jay, Real Estate Acquisition; and Malcolm Floyd, attorney. Following their presentation, City Council members asked questions. (See City Clerk File #07-07 for a copy of the presentation.)

NOTE: Mayor Pro-tem B. Mark Neal disclosed that he owned property that was just recently included in the footprint of the proposed Blue Water Bridge Plaza expansion and that he would abstain from any votes that were in conflict.

PUBLIC AUDIENCES

1. Anthony America, 2373 Military Street, requested the Council extend the amount of time allowed under "public audience" to ten minutes. Mr. America did not appear.

2. The following people addressed the City Council expressing concerns with MDOT's proposed plan for expansion of the Blue Water Bridge plaza within the City of Port Huron:

Howard Heidemann, County Commissioner, 833 North Pointe
Alice O'Neill, Prospect Place
Bea Castillo, 911 Robinson Court
Larry Yaek, 7324 Big Hand Road, St. Clair Twp.
Robert Schmidt, 3141 W. Village Lane
Armstead Diggs, 2424 Woodstock Drive
Ed Forest, 3945 N. River Rd., Fort Gratiot
Dick Reynolds, Business Agent for Carpenter's Union
Paul Churchill, VFW Post 796
James Galeski, 1307 Scott Avenue

CONSENT AGENDA

Councilmember Haynes 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, Neal and Sample-Wynn.
No: None.
Absent: Councilmember Fisher.

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

Upcoming events:

- Silver Stick International Hockey Tournament will be held January 25-28 at the McMorran Arena.
- The annual downtown IceFest will be held January 26-28.
- Visit www. ph150.org for details about Port Huron's Sesquicentennial celebration.

FROM THE CITY MANAGER

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

Transmitting a report on the Port Huron Fire Department's fire and medical call experience including the effect that reducing the number of stations would mean to response time. This report is in response to Council's request of 2006 to see whether the operation could be improved and is a direct response to Council's goal of "Improving Public Safety" (see City Clerk File # 07-08).

Motion adopted by the following vote:

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

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

At the January 8, 2007 City Council meeting, a presentation was given by Paul Churchill from VFW Post 796. During the presentation, a request was made to place a memorial marker in the St. Clair County Veterans Cemetery honoring Clarence Klotz with funds raised by area veterans groups.

Upon review, it is recommended that this request be approved and that the VFW Post work with appropriate city staff to coordinate installation of the memorial marker (see City Clerk File # 07- 09).

Motion adopted by the following vote:

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

RESOLUTIONS

***R-1.** WHEREAS, the Community Development Division of the City of Port Huron has requested to schedule a public hearing to hear comments regarding the re-allocation of Community Development Block Grant (CDBG) Administrative funds in the amount of $77,824.00 to the Property Improvement Program pursuant to a request by the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, the Community Development Division previously re-allocated CDBG funds in July 2006, in the amount of $57,761.00 to the Property Improvement Program; and

WHEREAS, the Citizen Participation Plan requires a public hearing be held if a re-allocation exceeds more than 10% of the City's Annual Allocation of CDBG and HOME funding;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron schedules a public hearing for Monday, February 12, 2007, at the time of its regular Council meeting, as the time to hear comments regarding the re-allocation of $77,824.00 in 2005 CDBG funds to the current Property Improvement Program.

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 appointment of Jerry Thibodeau, to fill the vacancy created by Brian Connolly's resignation, which will expire February 9, 2010, is hereby approved and confirmed.

Adopted.

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

WHEREAS, the City of Port Huron owns a 10' x 33' vacant lot adjacent to the property at 1312 - 11th Street; and

WHEREAS, an offer to purchase the lot has been received from the adjacent property owners, Donald and Karen Jezewski;

WHEREAS, after careful review, it has been determined the City of Port Huron has no need for the property;

NOW, THEREFORE, BE IT RESOLVED that the appropriate City Officials are hereby authorized to sell the following described property to Donald and Karen Jezewski for One and 00/100 dollars ($1.00): the east 10 feet of the south 33 feet of Lot 11, Block 122, White Plat.

Motion adopted by the following vote:

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

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

WHEREAS, a trust receipt in the amount of $200,000, its income to be used only for specific capital improvements to the Henry McMorran Memorial Auditorium, was approved on July 12, 1971 by the Port Huron City Council; and

WHEREAS, it has been determined that it would be advantageous to have the Community Foundation of St. Clair County manage this trust;

NOW, THEREFORE, BE IT RESOLVED that the Trust Receipt for $200,000 to benefit the Henry McMorran Memorial Auditorium be transferred to the Community Foundation of St. Clair County to manage. (See City Clerk File #07-10.)

Motion adopted by the following vote:

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

***R-5.** WHEREAS, current election law mandates that elections be held on one of four designated dates during the year and that schools are no longer responsible for elections; and

WHEREAS, the City of Port Huron and St. Clair County entered into an agreement on January 24, 2005 for the conduct of school board elections and said agreement was for two years; and

WHEREAS, the Election Coordinating Committee for Port Huron Area School District met on January 16, 2007, to review the agreement and its assigned duties;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby agrees to the execution of a two-year agreement between the City Clerk for the City of Port Huron and the County Clerk for St. Clair County to conduct the school elections for Port Huron Area School District, with full reimbursement, and perform such tasks as indicated in the agreement (see City Clerk File #07-11).

Motion adopted by the following vote:

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

ORDINANCES

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

AN ORDINANCE TO AMEND CHAPTER 16, COMMUNITY DEVELOPMENT, ARTICLE IV, HOUSING DEVELOPMENT FOR LOW INCOME PERSONS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF ADDING A NEW DIVISION 9, AMERICAN COMMUNITY DEVELOPERS, INC., TO PROVIDE FOR A PAYMENT IN LIEU OF TAXES (PILOT) FOR GRANDVIEW TOWER PURSUANT TO THE PROVISIONS OF THE STATE HOUSING DEVELOPMENT AUTHORITY ACT OF 1966, AS AMENDED.

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

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

MISCELLANEOUS BUSINESS

1. Council stated the need to go on record about their position on MDOT acquiring property for Blue Water Bridge plaza expansion before mitigation efforts and requested a letter be drafted for them to send. Also, that a task force of community members, city officials, county officials, etc., be formed (Councilmember Sample-Wynn expressed desire to be on that task force) and a public hearing be scheduled where citizens can ask MDOT officials questions.

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

PAULINE M. REPP, MMC
City Clerk

(Page intentionally left blank)

Special meeting of the City Council of the City of Port Huron, Michigan, held Thursday, February 8, 2007, at 6:30 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.

MOTIONS & MISCELLANEOUS BUSINESS

1. Councilmember Fisher offered and moved the following resolution:

WHEREAS, Council has a need to discuss material exempt from discussion or disclosure by state or federal statue; and

WHEREAS, public notice of the purpose of this meeting to enter into executive session to discuss material exempt from discussion or disclosure by state or federal statue has duly been given;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby resolves to enter into an executive session to review a written opinion with legal counsel pursuant to Section 8(h) of the Open Meetings Act.

Motion adopted unanimously.

Councilmember Neal moved to go into regular session.

Motion adopted unanimously.

2. Councilmember Haynes asked for a Terra Land Group update. Karl Tomion, City Manager, stated that there is nothing new to report.

3. Councilmember Neal asked when the meeting with the Waterways Commission relative to selling the Water Street Marina to Acheson Ventures (as approved by the electorate) was being held. Karl Tomion, City Manager, stated February 23.

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

PAULINE M. REPP, MMC
City Clerk

(Page intentionally left blank)

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, February 12, 2007, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

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

The meeting was called to order by Mayor Cutcher.

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

The minutes of the regular meeting of January 22, 2007, were approved.

PRESENTATIONS

1. William J. Corbett, Police Chief, presented the 2006 crime statistics (see City Clerk File #07-12 for copy of presentation).

2. Robert E. Clegg, City Engineer, gave an update on the Combined Sewer Overflow (CSO) project and its benefits (see City Clerk File #07-13 for copy of presentation).

PUBLIC HEARINGS

1. The Mayor announced that this was the time to hear comments on the proposed 2007 Annual Action Plan for the Community Development Department.

No one appeared to be heard.

The Mayor declared the hearing closed.

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

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 vacation of a portion of Alley #41, located in the block bound by Water, 15th, Carleton, 16th and 17th Streets, with the reservation of a full-width public utility easement. (See Resolution #8)

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 vacation of a full-width public utility easement located in vacated Alley #8, which is bound by Pine, Wall, 6th and 7th Streets. (See Resolution #9)

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 reallocation of $77,824.00 in 2005 Community Development Block Grant funds to the current Property Improvement Program, pursuant to a request by the U. S. Department of Housing and Urban Development. (Resolution #10)

No one appeared to be heard.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Richard Nemitz, 3407 Riverside Drive, addressed the City Council remarking that he had attended the boat show in Detroit recently and was disappointed that there was no representation from Port Huron and we needed to market boating more.

2. Ken Harris, 1521 Wells Street, addressed the City Council commenting on the last meeting with MDOT that he was unable to attend and wanted to make sure that the casino was on the table for mitigation purposes and stressed need for letters to be sent to Homeland Security. He also stated that the City should look into the non-smoking policy being proposed by the County to see what, if any, negative impact it would have on the City.

3. Alice O'Neil, 807 Prospect Place, addressed the City Council stating that Detroit Mayor Kwame Kilpatrick is pushing casino and City needs to stay on top of this issue. Also, she stated that construction jobs are few and that the use of illegal immigrants should be monitored.

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:

- Visit www. ph150.org for details about Port Huron's Sesquicentennial celebration.

FROM THE CITY MANAGER

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

Transmitting the Quarterly Financial Report for the six-month period ending December 31, 2006 (see City Clerk File #07-14).

Adopted unanimously.

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

On January 25, 2007, the City of Port Huron received ten (10) bids for the Vanness Area Sewer Separation project:

Pamar Enterprises	$5,043,940.50 *
Boddy Construction	$5,287,068.00
Tyger Excavating	$5,336,000.00
Raymond Excavating	$5,617,195.20
Dan's Excavating	$5,887,662.82
V. I. L. Construction	$6,767,794.50 *
Ric-Man Construction	$6,858,947.10
L. D'Agostini	$7,202,023.30 *
Zito Construction	$7,282,592.00
Triangle Excavating	$7,944,427.70

* As corrected

It is recommended that the bid of Pamar Enterprises, 58021 Gratiot Avenue, New Haven, Michigan, 48048, in the amount of Five Million Forty-Three Thousand Nine Hundred Forty and 50/100 Dollars ($5,043,940.50) 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-3. Councilmember Sample-Wynn offered and moved the adoption of the following City Manager's recommendation:

On January 30, 2007, the City of Port Huron received two (2) qualified bids for removal of a spoils pile located at 1808 Bancroft Street.

Hammar's Contracting LLC	$ 5,250.00
S. A. Torello Trucking	$24,000.00

It is recommended that the bid of Hammar's Contracting LLC, 1177 Wadhams Road, Smiths Creek, Michigan, 48074 in the amount of Five Thousand Two Hundred Fifty and 00/100 Dollars ($5,250.00), be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-4. Karl Tomion, City Manager, gave a verbal report relative to the Blue Water Bridge plaza expansion project (see City Clerk File #07-15 for a copy of comments).

RESOLUTIONS

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

BE IT RESOLVED that the Finance Director is hereby authorized to pay the attached payments. (See City Clerk File #07-01)

Adopted unanimously.

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

WHEREAS, it is necessary to perform professional engineering design services for the Bancroft Underground Storage Tank removal and replacement 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;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Huron Consultants for professional engineering design services for the Bancroft Underground Storage Tank removal and replacement project and authorizes the appropriate City officials to execute the agreement (see City Clerk File #07-16).

Adopted unanimously.

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

WHEREAS, it is necessary to perform construction engineering services during the construction and serve as the City's professional representative for the Vanness Area 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;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Rowe, Inc. for construction engineering services for the Vanness Area Sewer Separation project and authorizes the appropriate City officials to execute the agreement (see City Clerk File #07-17).

Adopted unanimously.

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

WHEREAS, it is necessary to perform professional engineering design services for the 21st Street Area Phase I Sewer Separation project; and

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

WHEREAS, there has been prepared an agreement between the City of Port Huron and Tetra Tech MPS for professional engineering design services for the 21st Street Area Phase I Sewer Separation project;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Tetra Tech MPS for professional engineering design services for the 21st Street Area Phase I Sewer Separation project and authorizes the appropriate City officials to execute the agreement (see City Clerk File #07-18).

Adopted unanimously.

***R-5.** WHEREAS, GMA Cover Corporation, 2440 - 20th Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for Monday, February 26, 2007, in order to hear comments on the application of GMA Cover Corporation for an Industrial Facilities Exemption Certificate; and

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

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

Adopted.

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

WHEREAS, the City of Port Huron is an important center of recreational boating activity and serves as a refuge point for shallow-draft recreational vessels; and

WHEREAS, the City asked the Michigan Department of Natural Resources (DNR) to assist the City in the dredging of the City's River Street Marina and Water Street Municipal Marina due to low water last year (2006); and

WHEREAS, the DNR has authorized and has prepared an agreement for the City to receive reimbursement of up to 50% of the total project cost to dredge the River Street Marina and Water Street Municipal Marina in an amount not to exceed $68,374.00;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council does hereby approve the grant agreement with the Michigan Department of Natural Resources to receive reimbursement of up to 50% of the total project cost for the 2006 dredging of the River Street Marina and Water Street Municipal Marina and authorizing the appropriate City officials to execute said agreement (see City Clerk File #07-19);

BE IT FURTHER RESOLVED that the City does hereby specifically agree, but not by way of limitation, as follows:

1. To appropriate the sum of $68,374.00 to match the grant authorized by the department.

2. To maintain satisfactory financial accounts, documents and records and to make them available to the department for auditing at reasonable times.

3. To construct the facility improvements and provide such funds, services and materials as may be necessary to satisfy the terms of the agreement.

4. To insure that all premises, buildings and equipment-related procedures comply with all applicable state and federal regulations.

5. To establish and appoint Daniel L. Collins, Harbormaster, to regulate the use of the facilities constructed under this agreement to assure the use thereof by the public on equal and reasonable terms.

6. To enforce all state statutes and local ordinances pertaining to marine safety and to enforce statutes of the State of Michigan within the confines of the City pertaining to the licensing of watercraft. Watercraft not fully complying with the laws of the State of Michigan relative to licensing shall not be permitted to use the facility until full compliance with those laws has been made.

7. To comply with all terms of the agreement, including all terms not specifically set forth in the foregoing portions of the resolution.

Adopted unanimously.

***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 $3,311.72 for weed, brush, or grass removal upon the lots and premises described in the attached special assessment report (see City Clerk File #07-20).

Adopted.

***R-8.** WHEREAS, the City of Port Huron owns the following described property in the block bounded by Water, 15th, Carleton, 16th, and 17th Streets, legally described as :

that portion of Alley 41 adjacent to Lots 1, 2, 3, 4, 15, and vacated Alley 48, Block 8, James H. White's Subdivision of a part of Section 3 and 4, City of Port Huron; and

WHEREAS, on January 2, 2007, the City Planning Commission held a public hearing to hear comments on the proposed vacation and recommended approval (vote: 7 ayes; 0 nays; 2 absent; 0 abstained); and

WHEREAS, the City Council on February 12, 2007, held a public hearing for the purpose of hearing and considering any objections to the vacation and after due consideration, it is the judgement of the Port Huron City Council that the vacation would be in keeping with the City's Master Plan and in furtherance of the public interest and benefit;

NOW, THEREFORE, BE IT RESOLVED that the above-described portion of alley is hereby vacated with the reservation of a full-width public utility easement.

Adopted.

***R-9.** WHEREAS, the City of Port Huron owns property in the block bounded by Pine, Wall, 6th, and 7th Streets, legally described as:

the full-width public utility easement located in vacated Alley #8, adjacent to Lots 1, 2, 3, 7, 9, and 11, Block 41, White Plat, City of Port Huron; and

WHEREAS, on January 2, 2007, the City Planning Commission held a public hearing to hear comments on the proposed vacation and recommended approval (vote: 7 ayes; 0 nays; 2 absent; 0 abstained); and

WHEREAS, the City Council on February 12, 2007, 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 full-width public utility easement is hereby vacated.

Adopted.

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

WHEREAS, the Community Development Division of the City of Port Huron has held a public hearing to hear comments regarding the re-allocation of Community Development Block Grant (CDBG) Administrative funds in the amount of $77,824.00 to the Property Improvement Program pursuant to a request by the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, the Community Development Division previously re-allocated CDBG funds in July 2006, in the amount of $57,761.00 to the Property Improvement Program; and

WHEREAS, the Citizen Participation Plan requires a public hearing be held if a re-allocation exceeds more than 10% of the City's Annual Allocation of CDBG and HOME funding;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Port Huron has approved the re-allocation of $77,824.00 in 2005 CDBG funds to the current Property Improvement Program.

Adopted unanimously.

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of $102.66 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk File #07-21).

Adopted.

ORDINANCES

O-1. Councilmember Neal moved that an ordinance introduced January 22, 2007 entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1274

That Chapter 16, Community Development, Article IV, Housing Development for Low Income Persons, of the Code of Ordinances of the City of Port Huron, be and the same is hereby amended by adding Division 9, American Community Developers, Inc., to provide for a Payment in Lieu of Taxes (PILOT) for Grandview Tower pursuant to the Provisions of the State Housing Development Authority Act of 1966, as amended, to read as follows:

ARTICLE IV. HOUSING DEVELOPMENT FOR LOW INCOME PERSONS
DIVISION 9. AMERICAN COMMUNITY DEVELOPERS, INC.

Sec. 16-550. Sponsor.

The City acknowledges that American Community Developers, Inc. ("Sponsor") has offered, subject to receipt of an allocation under the Low Income Housing Tax Credit ("LIHTC") laws, to own and operate a senior, rent-subsidized housing development identified as Grandview Tower on certain property located in the block bound by 7th, Pine, 6th, and Wall Streets, in the City to serve senior citizens of low- and moderate-income, and that the Sponsor has offered to pay the City on account of this housing development an annual payment for public services in lieu of all taxes.

Sec. 16-551. Definitions.

All terms used in this division shall be defined as set forth in the Act, except that the following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act means the State Housing Development Authority Act, Public Act 346 of 1966 (MCL 125.1401 et. seq.).

Annual Shelter Rents means the total collections during an agreed annual period from or on behalf of all low income occupants of a housing development representing rent or occupancy charges, exclusive of the portion of said charges attributable to gas, electricity, heat or other utilities furnished to the occupants by the Sponsor.

Authority means the Michigan State Housing Development Authority.

City means the City of Port Huron, St. Clair County, Michigan.

Development means the existing senior, Section 8 rent-subsidized housing development known as Grandview Tower located in the City of Port Huron, St. Clair County, Michigan, on land owned by the City located in the block bound by 7th, Pine, 6th, and Wall Streets, with a legal description that will be forthcoming upon completion of the survey for the property commonly known as 1016 - 7th Street.

Elderly shall have the meaning set forth in the Section 8 regulations so long as the Section 8 subsidies continue and thereafter as provided in the Act.

Housing Development means a development which contains a significant element of housing for persons of low income and such elements of other housing, commercial, recreational, communal and education facilities as the Authority has determined improves the quality of development as it relates to housing for persons of low income.

HUD means the US Department of Housing and Urban Development.

Low Income Persons or Families means those persons and families whose income at the time of move in is 60% or less of area median income as adjusted for family size and who are determined to be eligible to move into the Development under the provisions of Section 42. The units shall be rent restricted pursuant to the requirements of Section 42.

Section 42 means Section 42 of the Internal Revenue Code of 1986, as amended ("Code").

Utilities means fuel, water, sanitary sewer service and/or electrical service which are paid by the Development.

Sec. 16-552. Class of housing developments.

It is determined that the class of Housing Developments to which the tax exemption under this ordinance shall apply and for which a payment shall be paid in lieu of such taxes shall be Section 42 Housing Developments for the Elderly which have received an LIHTC allocation from the Authority pursuant to Section 42. Based on representations and warranties of the Sponsor, it is determined that the Development is a Housing Development eligible for tax exemption provided by Section 15(a) of the Act.

Sec. 16-553. Establishment of annual payment.

The development and the property on which it is situated shall be exempt from all property taxes commencing with the first January 1st following the later of: (1) the transfer of title to the building and execution of the ground lease and (2) compliance by the Sponsor with all requirements imposed on the "owner" by subsection (l) of Section 15(a) of the Act. The City, acknowledging that the Sponsor and the Authority have established the economic feasibility of the Development in reliance upon the enactment and continuing effect of this division and the qualification of the Development for exemption from all property taxes and a payment in lieu of taxes as established in this division and in consideration of the Sponsor's offer, subject to receipt of an LIHTC allocation from the Authority, agrees to accept an annual payment for public services in lieu of all property taxes.

The annual payment shall be 4.0% of the Annual Shelter Rents collected during the period from January 1 through December 31 of each year.

Sec. 16-554. Contractual effect of division.

Notwithstanding the provisions of Section 15(a) of the Act to the contrary, a contract between the City and the Sponsor with the Authority as third party beneficiary under the contract, to provide tax exemption and accept payments in lieu of taxes, as previously described, is effectuated by enactment of the ordinance from which this division is derived.

Sec. 16-555. Payment.

The annual payment in lieu of taxes as determined under this division shall be payable in the same manner as general property taxes are payable to the City except that the annual payment shall be paid on or before March 15 of each year.

Sec. 16-556. Benefits.

The benefits of the tax exemption granted pursuant to this division shall be allocated by the Sponsor exclusively to low income persons . The Sponsor shall, at the request of the City, submit to the City such evidence and documentation as may be reasonably necessary to verify Sponsor's compliance with this requirement.

Sec. 16-557. Duration.

This division shall remain in effect and shall not terminate so long as any Authority mortgage or HUD insured mortgage remains outstanding and unpaid or the Authority has any interest in the property (including without limitation, any liens, regulatory agreement or use restrictions) or the Housing Development remains subject to income and rent restrictions pursuant to Section 42 of the Code.

Sec. 16-558. Audits; inspection of records.

Subject to any limitations imposed by law, the Sponsor shall provide to the City such accounting records, audits and financial reports as the City shall reasonably require to verify the computation of the annual payment in lieu of taxes as provided by this division. Subject to limitations imposed by law, the books and records of the Sponsor pertaining to the Development shall be available for review and audit by the City at all reasonable times.

Sec. 16-559. Lien.

Annual payment payable pursuant to this division shall be a lien on the Development, and, if delinquent, shall be collected and enforced in the same manner as general property taxes.

Pauline M. Repp, MMC
City Clerk

ADOPTED: February 12, 2007
PUBLISHED: February 17, 2007
EFFECTIVE: February 17, 2007

Adopted unanimously.

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

AN ORDINANCE TO AMEND CHAPTER 18, ELECTIONS, ARTICLE II, PRECINCT BOUNDARIES, SECTION 18-34 THROUGH SECTION 18-40, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF AMENDING THE ELECTION BOUNDARIES FOR PRECINCTS 4 THROUGH 10.

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

MOTIONS & MISCELLANEOUS BUSINESS

1. Mayor Cutcher encouraged people to visit the Russ Sawyer exhibit that is being displayed at the Museum through April 1; stated that the St. Clair County Community College Free College Day held last Saturday was a success and that he had over 250 people in his class on the Sesquicentennial; announced two ribbon cuttings on Saturday – K & F Photography and Artistic Images, Inc., both at Studio 1219; recognized the 160th birthday celebration for Thomas Edison held at the Depot on February 11; and stated that he had lunch with Kevin Doyle, owner of the Celtic Ray which will be opening in downtown Port Huron in the near future.

2. Councilmember Fisher stated that he is wearing old-fashioned attire in celebration of the City's Sesquicentennial.

3. Councilmember Jacobs announced that Councilmember Sample-Wynn was now a grandmother.

On motion (8:55 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, February 26, 2007, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Chaplain Linda Amato, Mercy Hospital, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Cutcher.

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

Absent: Councilmember Sample-Wynn.

The minutes of the regular meeting of February 12, 2007, and the special meeting of February 8, 2007, were approved.

PRESENTATIONS

1. Douglas R. Alexander, Executive Director, Economic Development Alliance of St. Clair County, gave an update on the closing of the Collins & Aikman facility.

2. Karl Tomion, City Manager, presented a video about state revenue sharing produced by the Michigan Municipal League.

3. John H. Ogden, Finance Director, gave a cost summary presentation of the combined sewer overflow (CSO) project (see City Clerk File #07-22 for copy of presentation).

4. Mary Langolf from the Port Huron Neighborhood Housing Corporation gave a presentation on their past 15 years of achievements and current success stories.

PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments on the application of GMA Cover Corporation, 2440 - 20th Street, for an Industrial Facilities Exemption Certificate. (See Resolution #1)

Douglas R. Alexander, Executive Director, Economic Development Alliance, and Robert Murison, Chief Financial Officer, GMA Cover Corporation, appeared to be heard.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Ken Harris, 1521 Wells Street, addressed City Council relative to City Manager Recommendation No. 2 and the dredging of the marinas stating that the voters approved selling/leasing Water Street Marina and that the City should move faster on this. Also, he stated that he hoped that the competitive bid process was used for Resolution No. 4 (uniform rental).

2. Edward Dost, 3242 Mt. Vernon, addressed City Council sharing his ideas for the Blue Water Bridge Plaza expansion project.

3. Richard Murphy, 3311 Electric Avenue, addressed City Council with concerns about whether there is funding for street repair in the Vanness and Nern Street area when sewer separation is done.

4. Ron Sammons, 1727 Pine Grove Avenue, addressed the City Council relative to the proposed tattoo ordinance stating objection to restricted hours of operation, invasion of privacy issue and expressed he believes the health department should be involved with this.

5. Michael Card, Black River Tattoo, addressed the City Council relative to the proposed tattoo ordinance stating objection to not being able to tattoo in view of the public, keeping a list of clients and procedure done (invasion of privacy), not being able to practice if someone has a communicable disease, restricted hours of operation. He stated that this ordinance should be reviewed more before approved and that it needs to address safety and health issues, not other things.

6. Derek Johnson, Blue Water Tattoo, 10th Street, addressed the City Council relative to the proposed tattoo ordinance stating that the ordinance allows for anyone to get a tattoo license as it doesn't address skill.

7. William Palmateer, Clyde Township, representing Cintas Uniform, addressed the City Council with concerns about Resolution No. 4 and how it was bid.

8. Duane VanCamp, 1640 McBrady, employee of Cintas, addressed the City Council with concerns because the company recommended for uniforms for City personnel is out of town and wants the bids looked at fairly and ask that Council table this item tonight.

9. Lou Fadell, 1511 Continental Court, employee of Cintas, addressed the City Council stating they are the only local provider of uniforms and that as the current provider for the City they have never received any complaints.

CONSENT AGENDA

Councilmember McCulloch 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 Neal.
No: None.
Absent: Councilmember Sample-Wynn.

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

Upcoming events:
- March 2: Mother/Son Hoe Down, Palmer Park Rec Center, 6:30 p.m.
- March 4-17: CelticFest celebration.
- March 17: St. Patrick's Parade, 12 noon, starting in Pine Grove Park and continuing through downtown.
- Visit www. ph150.org for details about Port Huron's Sesquicentennial celebration.

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 Neal offered and moved the adoption of the following City Manager's recommendation:

On February 13, 2007, the City of Port Huron received five (5) bids for the demolition of the structure located at 612 Glenwood Avenue (Code Case #06-004):

Joe Young Excavating	$ 6,200.00
Hammars Contracting, LLC	$ 7,860.00
S. A. Torello Demolition, Inc.	$ 9,797.00
Blue Star Demolition, Inc.	$ 9,850.00
Robert Clancy Contracting	$14,768.70

It is recommended that the bid of Joe Young Excavating, 941 Range Road, Kimball, Michigan 48074, in the amount of Six Thousand Two Hundred and 00/100 Dollars ($6,200.00) 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, Jacobs, McCulloch and Neal.
No: None.
Absent: Councilmember Sample-Wynn.

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

On February 13, 2007, the City of Port Huron received one (1) unit price bid for dredging of the River Street Marina (estimated 2,400 cubic yards) and the Water Street Municipal Marina (estimated 900 cubic yards). Based on estimated quantities, the following is a summary of bid received:

Malcolm Marine, Inc	$105,725.00

It is recommended that the unit price bid of Malcolm Marine, Inc., 1159 Fred Moore Highway, P.O. Box 177, St. Clair, Michigan, 48079-0177, in the estimated amount of One Hundred Five Thousand Seven Hundred and Twenty Five and 00/100 Dollars ($105,725.00) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

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

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

On February 1, 2007, the City of Port Huron received the results of the State of Michigan MIDEAL Purchasing Program bids for a 2007 Malibu LS for the Police Department:

Glenn Buege Chevrolet	$13,695.50

It is recommended that the bid of Glenn Buege Chevrolet, 1606 S. Main Street, Eaton Rapids, Michigan 48827, in the amount of Thirteen Thousand Six Hundred Ninety-Five and 50/100 Dollars ($13,695.50) be accepted, in accordance with the State of Michigan MIDEAL Purchasing Program, and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

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

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

On February 1, 2007, the City of Port Huron received the results of the State of Michigan MIDEAL Purchasing Program bids for two (2) 2007 Impala LS for the Fire Department:

Berger Chevrolet	$15,373.00 each

It is recommended that the bid of Berger Chevrolet, 2525 - 28th Street. S. E., Grand Rapids, Michigan 49512, in the amount of Thirty Thousand Seven Hundred Forty-Six and 00/100 Dollars ($30,746.00) be accepted, in accordance with the State of Michigan MIDEAL Purchasing Program, and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

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

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

On February 1, 2007, the City of Port Huron received the results of the State of Michigan MIDEAL Purchasing Program bids for three (3) 2007 Crown Victoria police patrol cars for the Police Department:

Gorno Ford, Inc.	$20,719.00 each

It is recommended that the bid of Gorno Ford, Inc., 22025 Allen Road, Woodhaven, Michigan 48183, in the amount of Sixty-Two Thousand One Hundred Fifty-Seven and 00/100 Dollars ($62,157.00) be accepted, in accordance with the State of Michigan MIDEAL Purchasing Program, and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

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

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

On February 8, 2007, the City received two (2) bids for a three (3) year agreement to provide stump removal services on a unit price basis, per inch of tree stump diameter removed, as follows:

GFB Tree Trimming & Removal, Inc.	$1.80/per inch
Don's Tree Service, Inc.	$2.00/per inch

It is recommended that the bid from GFB Tree Trimming & Removal, Inc., 1606 S. Range Rd., St. Clair, Michigan 48079, for a three (3) year agreement to provide stump removal services on a unit price basis of One and 80/100 Dollars ($1.80) per inch of tree stump diameter removed, 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, Jacobs, McCulloch and Neal.
No: None.
Absent: Councilmember Sample-Wynn.

CM-7. Karl Tomion, City Manager, gave an update on the Blue Water Bridge Plaza expansion project.

RESOLUTIONS

***R-1.** WHEREAS, GMA Cover Corporation, 2440 - 20th Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

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

WHEREAS, the Port Huron City Council held a public hearing on February 26, 2007, to hear comments on the application; and

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

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

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

All personal property: 12/31/07 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 GMA Cover Corporation is located.

Adopted.

***R-2.** WHEREAS, costs totaling Six Thousand Six Hundred Eighty-Two and 64/100 Dollars ($6,682.64) have been incurred by the City of Port Huron for demolition work on the following described property LOT 187 BLK G PLAT OF THAT PORTION OF THE LIGHTHOUSE RESERVATION AT FORT GRATIOT SOLD IN ACCORDANCE WITH ACT OF CONGRESS APPROVED JAN. 24, 1873, further described as 2600 Vacant Lot Wright Street, property no. 74-06-476-0089-000;

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

NOW, THEREFORE, BE IT RESOLVED that the amount of Six Thousand Six Hundred Eighty-Two and 64/100 Dollars ($6,682.64) for demolition of the structure at 2600 Vacant Lot Wright Street is hereby confirmed and declared a single lot special assessment. (See City Clerk File No. 07-23. This resolution is in reference to Code Case #06-003.)

Adopted.

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

WHEREAS, the City of Port Huron has been informed that their application to the U.S. Department of Homeland Security Emergency Preparedness and Response Directorate (DHS-EP&R/FEMA) for the FY2006 Assistance to Firefighter Grant Program (AFGP) in the area of Operations and Safety Program has been approved; and

WHEREAS, the total project cost was in the amount of One Hundred Ninety-three Thousand, Two Hundred and 00/100 Dollars ($193,200.00); and

WHEREAS, 90% of the total project cost or One Hundred Seventy-three Thousand Eight Hundred Eighty and 00/100 Dollars ($173,880.00) is the Federal share that has been awarded to the City of Port Huron and 10% or Nineteen Thousand Three Hundred Twenty and 00/100 Dollars ($19,320.00) is the local share; and

WHEREAS, the principal objectives of this grant agreement for the Port Huron Fire Department are to update and replace the fire department's mobile and portable radios and accessories;

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the terms of this FY2006 Assistance to Firefighter Grant Program Agreement (AFGP) through the DHS-EP&R/FEMA and that the City of Port Huron does hereby specifically agree, but not by way of limitation, to the following:

1. To maintain satisfactory financial accounts, documents and records in order to file reports with the U.S. Department of Homeland Security/AFGP;

2. To comply with any and all terms of said agreement including all terms not specifically set forth in the foregoing portion of this resolution; and

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

BE IT FURTHER RESOLVED that the appropriate City officials are hereby authorized to execute the grant agreement on behalf of the City (see City Clerk File #07-24).

Motion adopted by the following vote:

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

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

WHEREAS, it is required that we provide uniform services for various City personnel; and

WHEREAS, G & K Services is the appropriate company to provide these services based upon an evaluation of competitive proposals submitted; and

WHEREAS, the following is an estimated annual cost comparison based on unit prices and on anticipated usage for each vendor that submitted proposals:

G & K Services	$22,772.88
Arrow	$26,158.08
Cintas	$26,204.36
Unifirst	$26,994.76
Troy Cleaners	$39,273.00

WHEREAS, there has been prepared an agreement between the City of Port Huron and G & K Services for rental and laundering of uniforms for City personnel;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with G & K Services for a 3-year contract with an optional 3 year renewal for rental and laundering of uniforms for various City personnel and authorizes the appropriate City officials to execute the agreement (see City Clerk File #07-25).

Motion adopted by the following vote:

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

***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 $372.06 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk File #07-26).

Adopted.

***R-6.** 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 Susan Porrett is hereby appointed to the Henry McMorran Memorial Auditorium Authority for a term to expire on March 22, 2012.

Adopted.

***R-7.** WHEREAS, the City Manager has issued Temporary Traffic Control Order No. 1180 effective December 29, 2006, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

McMORRAN BOULEVARD -
There will be "NO PARKING" on the south side of McMorran Boulevard from Erie Street to Superior Mall except for a metered parking zone starting 24 feet west of the westerly curb of Superior Mall extending west for a distance of 187 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-8.** WHEREAS, the City Manager has issued Temporary Traffic Control Order No. 1182 effective December 29, 2006, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

SANBORN STREET -
There will be "NO PARKING" on the south side of Sanborn Street from the southwest corner of the Pine Grove Avenue service drive westerly for a distance of 90 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-9.** WHEREAS, McKeough, LLC (Georgina A. Witt), 215, 217, 219 Huron Avenue (one building only), 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; and

WHEREAS, a resolution was adopted on December 11, 2006 approving this application and the State Tax Commission has requested that a new resolution be adopted reflecting the full property address and adjusting the effective dates;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the application from McKeough, LLC (Georgina A. Witt), 215, 217, 219 Huron Avenue (one building only), 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 30, 2007 through December 30, 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; and

BE IT FURTHER RESOLVED that Resolution #5 adopted by the Port Huron City Council on December 11, 2006 is hereby rescinded with the adoption of this resolution.

Adopted.

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

WHEREAS, an ordinance has been introduced and is before City Council at this same meeting to adjust the precinct boundaries for Precincts 4 through 10; and

WHEREAS, these adjustments and the accompanying population shift causes the need to change polling locations in three of the precincts which involves adding two new locations and re-assigning one previously used location;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby accepts the recommendation of the Election Commission and designates the following polling places: Precinct 7, First United Methodist Church, 828 Lapeer Avenue; Precinct 8, Port Huron South, 3001 Electric Avenue; and Precinct 10, Eleger Harvey Re-Investment Center, 3013 24th Street; and

BE IT FURTHER RESOLVED that this resolution is effective in conjunction with the precinct boundary changes (see Ordinance No. 1).

Motion adopted by the following vote:

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

***R-11.** 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:

Robert Clegg, City Engineer
David Smith, Assistant City Engineer
Robin Berry, Streets Superintendent
Doug Lincoln, Permit Agent

Adopted.

***R-12.** 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 reappointments of Mary Brooks and Marshall Campbell with terms to expire February 9, 2011, are hereby approved and confirmed.

Adopted.

R-13. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, pursuant to the provisions of Act 451, Public Acts of Michigan, 1994, as amended ("Act 451"), when the 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, its $6,500,000 General Obligation Limited Tax Bonds, Series 2005B, dated September 29, 2005, its $2,955,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series 2006A, dated March 30, 2006, its $1,655,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series 2006B, dated March 30, 2006, its $1,325,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series 2006C, dated March 30, 2006, and its $5,500,000 General Obligation Limited Tax Refunding Bonds, Series 2006, dated September 27, 2006; 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 Six Million Five Hundred Five Thousand Dollars ($6,505,000) 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 2007** (the "Series 2007 SRF Bonds") are authorized to be issued in one or more series in the aggregate principal sum of not to exceed Six Million Five Hundred Five Thousand Dollars ($6,505,000), 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 2007 SRF Bonds. Each series of Series 2007 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 2007 SRF Bonds, payable in principal installments serially as finally determined by order of the MDEQ at the time of sale of the Series 2007 SRF Bonds and approved by the MMBA and the Director of Finance. Final determination of the principal amount of a series of Series 2007 SRF Bonds and the payment dates and amounts of principal installments of a series of Series 2007 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 2007 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 2007 SRF Bonds and to make appropriate changes to the designation hereinbefore set forth.

The Series 2007 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 2007 SRF Bond contained in this Resolution or as may be approved by the Authorized Officers at the time of sale of the Series 2007 SRF Bonds or by the MMBA at the time of prepayment.

The Series 2007 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 2007 SRF Bonds in accordance with the delivery instructions of the MMBA.

Each Series 2007 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 2007 SRF Bonds shall not be convertible or exchangeable into more than one fully-registered bond. Principal of and interest on the Series 2007 SRF Bonds shall be payable as provided in the Series 2007 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 2007 SRF Bond, the MMBA shall deliver the respective Series 2007 SRF Bond to the City for cancellation.

2. Bonds of the City designated **GENERAL OBLIGATION LIMITED TAX BONDS, SERIES 2007** (the "Series 2007 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 2007 SRF Bonds and Series 2007 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 2007 Public Sale Bonds.

The Series 2007 Public Sale Bonds shall be sold by competitive public sale and shall be issued in fully-registered form of the denomination of $5,000, or multiples thereof not exceeding for each maturity the maximum principal amount of that maturity, numbered consecutively in order of registration, and shall be dated as of the date of delivery, or such other date as may be determined by an Authorized Officer, and shall mature on November 1, or such other date as may be determined by an Authorized Officer, in the years and amounts as determined by an Authorized Officer, provided that the final maturity shall not be greater than thirty (30) years from the date of issuance.

The Series 2007 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 2007 Public Sale Bonds, and to make appropriate changes to the designation hereinbefore set forth.

The Series 2007 Public Sale Bonds may be issued as serial bonds or term bonds or both and shall be subject to redemption prior to maturity at the times, in the amounts and at the prices as approved by order of an Authorized Officer at the time of sale and in the manner and with notice as set forth in Section 9 hereof, subject to revision as determined by an Authorized Officer, provided that the redemption premium may not exceed two percent (2%).

Interest shall be payable to the registered owner of record as of the 15th day of the month prior to the payment date for each interest payment. The record date of determination of registered owner for purposes of payment of interest as provided in this paragraph may be changed by the City to conform to market practice in the future. Interest shall be payable by check or draft drawn on the Transfer Agent (as hereinafter defined) mailed to the registered owner at the registered address, as shown on the registration books of the City maintained by the Transfer Agent. The principal of the Series 2007 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 2007 Public Sale Bonds not less than sixty (60) days prior to an interest payment date.

The Series 2007 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 2007 Public Sale Bonds are issued in book-entry only form, DTC will act as securities depository for the Series 2007 Public Sale Bonds, and purchasers will not receive certificates representing their interest in Series 2007 Public Sale Bonds purchased. If the Series 2007 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 2007 Public Sale Bonds shall be issued in book-entry only form, to make such changes in the form of the Series 2007 Public Sale Bonds and the notice of sale as shall be necessary or convenient to enable the Series 2007 Public Sale Bonds to be issued in book-entry only form, and to execute such documents as may be required to enable the Series 2007 Public Sale Bonds to be so issued.

3. Bonds of the City designated **GENERAL OBLIGATION LIMITED TAX BONDS, SERIES 2007** (the "Series 2007 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 2007 SRF Bonds and Series 2007 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 2007 MMBA Bonds. Each series of Series 2007 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 2007 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 2007 MMBA Bonds and approved by the Authority and an Authorized Officer. Final determination of the Principal Amount of a series of Series 2007 MMBA Bonds and the payment dates and amounts of principal installments of a series of Series 2007 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 2007 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 2007 MMBA Bonds and to make appropriate changes to the designation hereinbefore set forth.

The Series 2007 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 2007 MMBA Bond contained in this Resolution or as may be approved by the Authorized Officers at the time of sale of the Series 2007 MMBA Bonds or by the MMBA at the time of prepayment.

The Series 2007 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 2007 MMBA Bonds in accordance with the delivery instructions of the MMBA.

The Series 2007 MMBA Bonds shall not be convertible or exchangeable into more than one fully-registered bond. Principal of and interest on the Series 2007 MMBA Bonds shall be payable as provided in the Series 2007 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 2007 MMBA Bond, the MMBA shall deliver the respective Series 2007 MMBA Bond to the City for cancellation.

4. The Series 2007 SRF Bonds, the Series 2007 Public Sale Bonds and the Series 2007 MMBA Bonds (collectively, the "Bonds," and each a "Series") shall be executed in the name of the City with the manual or facsimile signatures of the Mayor and Director of Finance of the City and shall have the seal of the City, or a facsimile thereof, printed or impressed on the Bonds. If the Bonds shall bear facsimile signatures, no Bond shall be valid until authenticated by an authorized officer or representative of the Transfer Agent.

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

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

In addition, further notice shall be given by the Transfer Agent in such manner as may be required or suggested by regulations or market practice at the applicable time, but no defect in such further notice nor any failure to give all or any portion of such further notice

shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as prescribed herein.

6. The Director of Finance is authorized to open a separate depositary account for each Series with a bank or trust company designated by the Director of Finance, to be designated 2007 WASTEWATER SYSTEM BONDS DEBT RETIREMENT FUND (with an appropriate series designation for each Series) (the "Debt Retirement Fund"), the moneys to be deposited into the Debt Retirement Fund to be specifically earmarked and used solely for the purpose of paying principal of and interest on the Series of Bonds as they mature. All proceeds from taxes levied for the Debt Retirement Fund shall be deposited into the Debt Retirement Fund as collected. Commencing with the fiscal year beginning July 1, 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 depositary account for each Series with a bank or trust company designated by the Director of Finance, to be designated SERIES 2007 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 2007 SRF Bonds and Series 2007 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 2007__

REGISTERED OWNER: Michigan Municipal Bond Authority
PRINCIPAL AMOUNT: _____ Dollars ($___,000)
DATE OF ORIGINAL ISSUE: _____, 2007

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

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

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

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

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

Additional Interest

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

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

This bond is a single, fully-registered, non-convertible bond in the principal sum of $_____, issued for the purpose of paying the cost of 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.

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

(SEAL)
By_____
Its Mayor
By_____
Its Director of Finance

DEQ Project No.
DEQ Approved Amt: $

SCHEDULE A

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

Principal Installment Due on 1	Amount of Principal Installment

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

9. The Series 2007 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 2007__

Interest Rate	Maturity Date	Date of Original Issue	CUSIP
Registered Owner:		_____ 1, 2007	
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].

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

(SEAL)
By_____
Its Mayor

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 2007 Public Sale Bonds are to be issued and sold, the Director of Finance shall fix a date of sale for the Series 2007 Public Sale Bonds and publish a notice of sale of the Series 2007 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 2007 SRF Bonds and the Series 2007 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 2007 SRF Bonds and the Series 2007 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 2007 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, 2007, (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 2007 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 2007 Public Sale Bonds, if then required; to procure a policy of municipal bond insurance with respect to the Bonds or cause the qualification of the Bonds therefor if, upon the advice of the City's financial advisor, the acquisition of such insurance would be of economic benefit to the City; to obtain ratings on the Bonds; and to take all other actions necessary or advisable, and to make such other filings for waivers or other approvals with the Department or with other parties, to enable the sale and delivery of the Bonds as contemplated herein.

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

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

Motion adopted by the following vote:

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

***R-14.** 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 the City of Port Huron Code of Ordinances Sections 38-11, 40-19, and 42-5; and

WHEREAS, the attached special assessment report has been certified by the Planning/Community Development Director and reviewed by the City Council;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot special assessments in the total amount of $327.24 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk File #07-27).

Adopted.

***R-15.** 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:

Kevin Banker - term to expire 03-10-10
Beverly Roberts - term to expire 03-10-10
William Vogan - term to expire 03-10-10

Adopted.

***R-16.** WHEREAS, on January 8, 2007, 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:

Streamline Tavern, 1924 Lapeer Avenue, Class C/SDM (Greg Crandall); Personal property taxes, $1,915.07, plus additional penalty, if any.

WHEREAS, on February 12, 2007, 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 8, 2007, and February 26, 2007, concerning aforementioned license;

2) Certified copy of notice to licensee;

3) Certified copy of notice published in The Times Herald.

Adopted.

ORDINANCES

O-1. Councilmember Neal moved that an ordinance introduced February 12, 2007, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1275

AN ORDINANCE TO AMEND CHAPTER 18, ELECTIONS, ARTICLE II, PRECINCT BOUNDARIES, SECTION 18-34 THROUGH SECTION 18-40, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF AMENDING THE ELECTION BOUNDARIES FOR PRECINCTS 4 THROUGH 10.

THE CITY OF PORT HURON ORDAINS:

That Chapter 18, Elections, Article II, Precinct Boundaries, Section 18-34 through Section 18-40, of the Code of Ordinances of the City of Port Huron for the purpose of amending the election boundaries for Precincts 4 through 10, be and the same are hereby amended to read as follows:

ARTICLE I. IN GENERAL

Sec. 18-1. City divided into precincts.

No changes.

ARTICLE II. PRECINCT BOUNDARIES

Secs. 18-31. through 18-33.

No changes

Sec. 18-34. Precinct No. 4.

The fourth election precinct shall consist of the following described territory:

Beginning at the intersection of the centerline of Pine Grove Avenue and the centerline of Garfield Street; thence easterly along the centerline of Garfield Street to the centerline of Omar Street; thence southerly along the Omar Street centerline to the centerline of Riverview Street; thence easterly along the Riverview Street centerline to Lake Huron's westerly shoreline, thence southerly along said shoreline to the centerline of Sedgwick Street if extended easterly; thence westerly along the Sedgwick Street centerline to the centerline of 12th Avenue; thence northerly along the 12th Avenue centerline to the centerline of Thomas Street; thence westerly along the Thomas Street centerline to the centerline of the Black River; thence northwesterly along the Black River centerline to the centerline of I-94; thence northeasterly along the 1-94 centerline to the centerline of Scott Avenue if extended; thence easterly along the Scott Avenue centerline to the centerline of Pine Grove Avenue; thence northerly along the Pine Grove Avenue centerline to the point of beginning at the centerline of Garfield Street.

Sec. 18-35. Precinct No. 5.

The fifth election precinct shall consist of the following described territory:

Beginning at the intersection of the centerline of the Black River and the centerline of Thomas Street if extended; thence easterly along the centerline of Thomas Street to the centerline of 12th Avenue; thence southerly along the 12th Avenue centerline to the centerline of Sedgwick Street; thence easterly along the Sedgwick Street centerline if extended to the shoreline of the St. Clair River; thence southerly along said shoreline to the centerline of Water Street if extended; thence north westerly along the Water Street centerline to the centerline of 7th Street; thence westerly on the centerline of Lapeer Avenue to the centerline of 13th Street; thence northerly along the 13th Street centerline to the centerline of Water Street; thence continuing northeasterly along the 13th Street centerline extended to the centerline of the Black River; thence northerly along the centerline of the Black River to the point of beginning at the centerline of Thomas Street.

Sec. 18-36. Precinct No. 6.

The sixth election precinct shall consist of the following described territory:

Beginning at the intersection of the Black River and the centerline of 13th Street if extended; thence southerly along the centerline of 13th Street to the centerline of Wall Street; thence westerly along the Wall Street centerline to the centerline of 19th Street; thence northerly along the 19th Street centerline to the centerline of Pine Street; thence westerly along the Pine Street centerline to the centerline of 20th Street; thence southerly along the 20th Street centerline to the centerline of Court Street; thence westerly along the Court Street centerline to the east right-of-way line of 24th Street (city limits line); thence northerly along the 24th Street right-of-way to the north right-of-way line of Lapeer Avenue; thence westerly along the Lapeer Avenue right-of-way to the city limits line; thence along the city limits line northerly and easterly to the centerline of the Black River; thence southeasterly along the Black River centerline to the point of beginning at the centerline of 13th Street.

Sec. 18-37. Precinct No. 7.

The seventh election precinct shall consist of the following described territory:

Beginning at the intersection of the centerline of Lapeer Avenue and the centerline of 13th Street; thence easterly along Lapeer Avenue to the centerline of 7th Street; thence southeasterly along the centerline of Water Street extended to the shoreline of the St. Clair River; thence southerly along the St. Clair River shoreline to the centerline of Oak Street if extended; thence westerly along the Oak Street centerline to the centerline of 13th Street; thence northerly along the 13th Street centerline to the point of beginning at the centerline of Lapeer Avenue.

Sec. 18-38. Precinct No. 8.

The eighth election precinct shall consist of the following described territory:

Beginning at the intersection of the centerline of 13th and the centerline of Oak Street; thence easterly along the Oak Street centerline extended to the shoreline of the St. Clair River; thence southerly along the St. Clair River shoreline to the most southeasterly corner of Lot 1, Reids Riverside Plat; thence northwesterly along the southerly property line to the intersection of the northwesterly corner of Lot 1 and the centerline of 16th Street if extended southeasterly; thence northerly along the 16th Street centerline to the centerline of Cedar Street; thence easterly along the Cedar Street centerline to the centerline of 13th Street; thence northerly along the 13th Street centerline to the point of beginning at the centerline of Oak Street.

Sec. 18-39. Precinct No. 9.

The ninth election precinct shall consist of the following described territory:

Beginning at the intersection of the centerline of Wall Street and the centerline of 19th Street; thence easterly along the centerline of Wall Street to the centerline of 13th Street; thence southerly along the 13th Street centerline to the centerline of Cedar Street; thence westerly along the Cedar Street centerline to the centerline of 16th Street; thence southerly along the 16th Street centerline to the centerline of Beard Street; thence westerly along the Beard Street centerline to the easterly right-of-way line of 24th Street (city limits line); thence north along said right-of-way line to the centerline of Court Street; thence east along the Court Street centerline to the centerline of 20th Street; thence northerly along the 20th Street centerline to the centerline of Pine Street; thence easterly along the Pine Street centerline to the centerline of 19th Street; thence southerly along the 19th Street centerline to the point of beginning at the centerline of Wall Street.

Sec. 18-40. Precinct No. 10.

The tenth election precinct shall consist of the following described territory:

Beginning at the east right-of-way line of 24th Street (city limits line) and the centerline of Beard Street; thence easterly along the Beard Street centerline to the centerline of 16th Street; thence southerly along the 16th Street centerline extended southeasterly to the most southwesterly corner of Lot 1, Reids Riverside Plat; thence southeasterly along the south property line to the shoreline of the St. Clair River; thence southerly along said shoreline to the centerline of Ravenswood Avenue extended easterly (city limits line); thence westerly to the east right-of-way line of Military Street; thence northerly along Military to the north right-of-way line of Ravenswood Avenue extended (city limits line); thence westerly along Ravenswood right-of-way to the east right-of-way line of 32nd Street (city limits line); thence northerly along 32nd Street to the city limits line; thence along the city limits line to the west; thence north; thence west; thence north; thence easterly along the city limits line to the east right-of-way line of 32nd Street (city limits line); thence northerly along said 32nd Street right-of-way line to the south right-of-way line of Goulden Street (city limits line); thence easterly along Goulden Street to the west right-of-way line of 28th Street (city limits line); thence northerly along 28th Street to the north right-of-way line of Moak Street (city limits line); thence westerly along Moak Street to the east right-of-way line of 32nd Street (city limits line); thence northerly along 32nd Street to the south right-of-way line of Dove Street (city limits line); thence easterly along Dove Street to the centerline of 28th Street (city limits line); thence north and east along the city limits line to the east right-of-way line of 24th Street; thence north along the 24th Street right-of-way to the point of beginning at the centerline of Beard Street.

Pauline M. Repp, MMC
City Clerk

ADOPTED: 02/26/07
PUBLISHED: 03/03/07
EFFECTIVE: 03/03/07

Motion adopted by the following vote:

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

O-2. Councilmember Neal moved that an ordinance introduced February 26, 2007, entitled and reading as follows be given its first, second, third and final reading and enacted under emergency status:

ORDINANCE NO. 1276

THE CITY OF PORT HURON ORDAINS:

Section 1. Title and Purpose. This Ordinance shall be known and cited as the "Series 2007 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; Water Supply System Revenue Bonds (Junior Lien), Series 2005D (Limited Tax General Obligation), dated June 23, 2005, authorized as Junior Lien Bonds in the original principal amount of $510,000; Water Supply System Revenue Bonds (Junior Lien), Series 2006A (Limited Tax General Obligation), dated March 30, 2006, authorized as Junior Lien Bonds in the original principal amount of $1,355,000; Water Supply System Revenue Bonds (Junior Lien), Series 2006B (Limited Tax

General Obligation), dated March 30, 2006, authorized as Junior Lien Bonds in the original principal amount of $1,025,000; Water Supply System Revenue Bonds (Junior Lien), Series 2006C (Limited Tax General Obligation), dated March 30, 2006, authorized as Junior Lien Bonds in the original principal amount of $705,000; Water Supply System Revenue Bonds (Junior Lien), Series 2006D (Limited Tax General Obligation), dated June 22, 2006, authorized as Junior Lien Bonds in the original principal amount of $825,000; Water Supply System Revenue Bonds (Junior Lien), Series 2006E (Limited Tax General Obligation), dated September 21, 2006, authorized as Junior Lien Bonds in the original principal amount of $2,040,000; and Water Supply System Revenue Refunding Bonds (Junior Lien), Series 2006 (Limited Tax General Obligation), dated as of September 27, 2006, authorized as Junior Lien Bonds in the original principal amount of $6,890,000.

(f) "Series 2007 DWRF Bonds" means the Water Supply System Revenue Bonds (Junior Lien), Series 2007 (Limited Tax General Obligation), issued pursuant to Section 6 of this Ordinance.

(g) "Series 2007 MMBA Bonds" means the Water Supply System Revenue Bonds (Junior Lien), Series 2007 (Limited Tax General Obligation), issued pursuant to Section 6B of this Ordinance.

(h) "Series 2007 Public Sale Bonds" means the Water Supply System Revenue Bonds, Series 2007 (Limited Tax General Obligation), issued pursuant to Section 6A of this Ordinance.

(I) "Series 2007 Bonds" means, collectively, the Series 2007 Public Sale Bonds, the Series 2007 DWRF Bonds and the Series 2007 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 Three Million Dollars ($3,000,000), 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 2007 Bonds, the Issuer shall borrow the sum of not to exceed Three Million Dollars ($3,000,000) and issue the Series 2007 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 2007 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 2007 DWRF Bonds; Details. Bonds of the Issuer, to be designated **WATER SUPPLY SYSTEM REVENUE BONDS (JUNIOR LIEN), SERIES 2007 (LIMITED TAX GENERAL OBLIGATION)** (the "Series 2007 DWRF Bonds"), are authorized to be issued in one or more series in the aggregate principal sum of not to exceed Three Million Dollars ($3,000,000), 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 2007 DWRF Bonds. The Series 2007 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 2007 DWRF Bonds shall be junior and subordinate to the prior lien with respect to the Net Revenues of the Series 2007 Public Sale Bonds (if issued) and any additional Senior Lien Bonds hereafter issued. The Series 2007 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 2007 DWRF Bonds, payable in principal installments as finally determined by the order of the MDEQ at the time of sale of the Series 2007 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 2007 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 2007 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 2007 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 2007 DWRF Bonds pursuant to the authority granted by Section 13 of this Ordinance.

The Series 2007 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 2007 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 2007 DWRF Bonds or by the Authority at the time of prepayment.

The Series 2007 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 2007 DWRF Bonds in accordance with the delivery instructions of the Authority. The Series 2007 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 2007 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 2007 DWRF Bonds shall not be convertible or exchangeable into more than one fully-registered bond. Principal of and interest on the Series 2007 DWRF Bonds shall be payable as provided in the Series 2007 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 2007 DWRF Bond, the Authority shall deliver the Series 2007 DWRF Bond to the City for cancellation.

Section 6A. Issuance of Series 2007 Public Sale Bonds; Details. Bonds of the Issuer, to be designated **WATER SUPPLY SYSTEM REVENUE BONDS, SERIES 2007** (the "Series 2007 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 2007 DWRF Bonds and Series 2007 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 2007 Public Sale Bonds. Said Series 2007 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 2007 DWRF Bonds and the Series 2007 MMBA Bonds. The Series 2007 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 2007 Public Sale Bonds, or such other date as determined by an Authorized Officer, numbered in order of registration, and shall mature on November 1, or such other date as shall be determined by an Authorized Officer, in the years and amounts as determined by an Authorized Officer, provided that the final maturity shall not be greater than thirty (30) years from the date of issuance. The Director of Finance shall assign a specific series designation to each respective series of Series 2007 Public Sale Bonds pursuant to the authority granted by Section 13 of this Ordinance.

The Series 2007 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 2007 Public Sale Bonds shall be sold at not less than 97% of their par value. The principal of the Series 2007 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 2007 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 2007 Public Sale Bonds contained in Section 10B of this Ordinance.

In case less than the full amount of an outstanding Series 2007 Public Sale Bond is called for redemption, the transfer agent upon presentation of the Series 2007 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 2007 Public Sale Bonds contained in Section 10B of this Ordinance.

The Series 2007 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 2007 Public Sale Bonds are issued in book-entry only form, DTC will act as securities depository for the Series 2007 Public Sale Bonds, and purchasers will not receive certificates representing their interest in Series 2007 Public Sale Bonds purchased. If the Series 2007 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 2007 Public Sale Bonds shall be issued in book-entry only form, to make such changes in the form of the Series 2007 Public Sale Bonds and the notice of sale as shall be necessary or convenient to enable the Series 2007 Public Sale Bonds to be issued in book-entry only form, and to execute such documents as may be required to enable the Series 2007 Public Sale Bonds to be so issued.

The Series 2007 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 2007 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 2007 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 2007 MMBA Bonds; Details. Bonds of the Issuer, to be designated **WATER SUPPLY SYSTEM REVENUE BONDS (JUNIOR LIEN), SERIES 2007 (LIMITED TAX GENERAL OBLIGATION)** (the "Series 2007 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 2007 DWRF Bonds and Series 2007 Public Sale Bonds issued and to be issued pursuant to Section 6 and Section 6A of this Ordinance, as finally determined by execution of the Purchase Contract (hereinafter defined), for the purpose of paying part of the cost of the Project not eligible for participation in the DWRF Program and not otherwise payable from other available funds of the Issuer, including the costs incidental to the issuance, sale and delivery of the Series 2007 MMBA Bonds. The Series 2007 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 2007 MMBA Bonds shall be junior and subordinate to the prior lien with respect to the Net Revenues of the Series 2007 Public Sale Bonds and any additional Senior Lien Bonds hereafter issued. The Series 2007 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 2007 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 2007 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 2007 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 2007 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 2007 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 2007 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 2007 MMBA Bonds or by the Authority at the time of prepayment.

The Series 2007 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 2007 MMBA Bonds in accordance with the delivery instructions of the Authority. The Series 2007 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 2007 MMBA Bond shall not be convertible or exchangeable into more than one fully-registered bond. Principal of and interest on the Series 2007 MMBA Bonds shall be payable as provided in the Series 2007 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 2007 MMBA Bond, the Authority shall deliver the Series 2007 MMBA Bond to the Issuer for cancellation.

Section 7. Payment of Bonds; Security; Priority of Lien. Principal of and interest on the Series 2007 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 2007 DWRF Bonds and the Series 2007 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 2007 DWRF Bonds and the Series 2007 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 2007 DWRF Bonds and the Series 2007 MMBA Bonds. Should the Net Revenues of the System at any time be insufficient to pay the principal of and interest on the Series 2007 DWRF Bonds or the Series 2007 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 2007 Bonds there shall be first immediately deposited from the proceeds of the Series 2007 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 2007 Bonds. With respect to the Series 2007 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 2007 Public Sale Bonds, as determined by an Authorized Officer. The balance of the proceeds of the sale of the Series 2007 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 2007 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 2007 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 2007 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 2007 Bonds on the open market at not more than the fair market value thereof, but not more than the price at which Series 2007 Bonds may next be called for redemption, or used for the purpose of paying principal of the Series 2007 Bonds upon maturity or calling Series 2007 Bonds for redemption.

Section 10A. Bond Form. The Series 2007 DWRF Bonds and Series 2007 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 2007__ (LIMITED TAX GENERAL OBLIGATION)

REGISTERED OWNER: Michigan Municipal Bond Authority
PRINCIPAL AMOUNT: _____ Dollars ($_____)
DATE OF ORIGINAL ISSUE: _____, 2007

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

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

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

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

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

Additional Interest

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

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

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

The bonds of this issue are equally secured and on parity in all respects as to the Net Revenues with the City's Water Supply System Revenue Bond (Junior Lien), Series 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, Water Supply System Revenue Bond (Junior Lien), Series 2005D (Limited Tax General Obligation), dated June 23, 2005, Water Supply System Revenue Bond (Junior Lien), Series 2006A (Limited Tax General Obligation), dated March 30, 2006, Water Supply System Revenue Bond (Junior Lien), Series 2006B (Limited Tax General Obligation), dated March 30, 2006, Water Supply System Revenue Bond (Junior Lien), Series 2006C (Limited Tax General Obligation), dated March 30, 2006, Water Supply System Revenue Bond (Junior Lien), Series 2006D (Limited Tax General Obligation), dated June 22, 2006, Water Supply System Revenue Bond (Junior Lien), Series 2006E (Limited Tax General Obligation), dated September 21, 2006, and Water Supply System Revenue Refunding Bonds (Junior Lien), Series 2006 (Limited Tax General Obligation), dated September 27, 2006 (the "Outstanding Bonds").

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

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

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

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

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

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

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

CITY OF PORT HURON
By _____
(Seal) Mayor
Countersigned:
_____
Director of Finance

SCHEDULE A

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

Principal Installment Due on 1	Amount of Principal Installment

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

Section 10B. Bond Form. The Series 2007 Public Sale Bonds shall be in substantially the following form, with such changes or completions as necessary or appropriate to give effect to the intent of this Ordinance:

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF ST. CLAIR
CITY OF PORT HURON
WATER SUPPLY SYSTEM REVENUE BOND,
SERIES 2007__
(LIMITED TAX GENERAL OBLIGATION)

Interest Rate	Maturity Date	Date of Original Issue	CUSIP

Registered Owner:
Principal Amount: DOLLARS

The CITY OF PORT HURON, County of St. Clair, State of Michigan (the "Issuer"), acknowledges itself to owe and for value received hereby promises to pay the Principal Amount shown above, in lawful money of the United States of America, to the Registered

Owner shown above, or registered assigns, on the Maturity Date shown above, unless prepaid prior thereto as hereinafter provided, with interest thereon from the Date of Original Issue shown above, or such later date to which interest has been paid, until paid, at the Interest Rate per annum shown above, payable on _____ 1, 200_, and semiannually thereafter. Principal of this bond is payable upon surrender of this bond at the _____ office of _____, _____, Michigan, or such other transfer agent as the Issuer may hereafter designate by notice mailed to the registered owner not less than 60 days prior to the date of any interest payment date. Interest on this bond is payable by check or draft mailed to the person or entity who or which is, as of the 15th day of the month preceding the interest payment date, the registered owner of record, at the registered address as shown on the registration books of the Issuer kept by the transfer agent. For prompt payment of principal and interest on this bond, the Issuer has irrevocably pledged the revenues of the Water Supply System of the Issuer (the "System"), including all appurtenances, extensions and improvements thereto, after provision has been made for reasonable and necessary expenses of operation, maintenance and administration (the "Net Revenues"), and a statutory first lien thereon is hereby recognized and created.

The bonds of this issue are of senior standing and priority of lien as to the Net Revenues with the Issuer's Water Supply System Revenue Bond (Junior Lien), Series 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, Water Supply System Revenue Bond (Junior Lien), Series 2006A (Limited Tax General Obligation), dated March 30, 2006, Water Supply System Revenue Bond (Junior Lien), Series 2006B (Limited Tax General Obligation), dated March 30, 2006, Water Supply System Revenue Bond (Junior Lien), Series 2006C (Limited Tax General Obligation), dated March 30, 2006, Water Supply System Revenue Bond (Junior Lien), Series 2006D (Limited Tax General Obligation), dated June 22, 2006, Water Supply System Revenue Bond (Junior Lien), Series 2006E (Limited Tax General Obligation), dated September 21, 2006, and Water Supply System Revenue Refunding Bonds (Junior Lien), Series 2006 (Limited Tax General Obligation), dated September 27, 2006 (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].

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 _____
(Seal) Mayor
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 2007 DWRF Bonds and the Series 2007 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 2007 DWRF Bonds and the Series 2007 MMBA Bonds, including a Purchase Contract, a Supplemental Agreement and Issuer's Certificate. In the event of a sale of the Series 2007 DWRF Bonds or the Series 2007 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 2007 DWRF Bonds or the Series 2007 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 2007 DWRF Bonds or the Series 2007 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 2007 Bonds from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended, including, but not limited to, actions relating to any required rebate of arbitrage earnings and the expenditure and investment of Series 2007 Bond proceeds and moneys deemed to be Series 2007 Bond proceeds.

Section 13. Approval of Bond Details. Any of the Authorized Officers is hereby authorized to adjust the final Series 2007 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 2007 Bonds issued shall not exceed the principal amount authorized in this Ordinance, the interest rate per annum on the Series 2007 Bonds shall not exceed seven percent (7%) per annum, and the Series 2007 Bonds shall mature in not more than thirty (30) principal installments.

Section 14. Sale of Series 2007 Public Sale Bonds. If the Series 2007 Public Sale Bonds are to be issued and sold, the Director of Finance shall fix a date of sale for the Series 2007 Public Sale Bonds and publish a notice of sale of the Series 2007 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 2007 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, 2007, (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 2007 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 2007 Public Sale Bonds, if then required; to procure a policy of municipal bond insurance with respect to the Series 2007 Bonds or cause the qualification of the Series 2007 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 2007 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 2007 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: 02/26/07
PUBLISHED: 03/03/07
EFFECTIVE: 03/03/07

Motion adopted by the following vote:

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

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

AN ORDINANCE TO AMEND CHAPTER 12, BUSINESSES, BY ADDING ARTICLE XV, TATTOO ESTABLISHMENTS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF PROVIDING LICENSING AND REGULATIONS FOR TATTOO PARLORS.

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

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

NOTE: Mayor Cutcher requested that written report with pros and cons on issues raised be prepared for next meeting prior to the adoption of the ordinance.

MOTIONS & MISCELLANEOUS BUSINESS

1. Mayor Cutcher stated he attended the National Americanism Awards Banquet on February 21, 2007, at the Elks and remarked on the coloring contest awards; attended the Port Huron Lions Clubs 87th birthday celebration on February 20, 2007; attended Eagle Court of Honor at the American Legion Hall on February 24, 2007, and there were three Eagle scout recipients from the same family; attended the EOC Walk for Warmth on February 24, 2007; which raised $15,000.

2. Councilmember Fisher stated that he would be doing historical minutes in celebration of the City's Sesquicentennial and this week in 1867 the new sport of baseball was introduced in Port Huron and the first game was against Mt. Clemens and they won. He stated that the Olde Town Historic District is sponsoring a vintage baseball team and they will be playing games against other cities in the state and invited anyone interested in joining to call him.

On motion (9:40 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, March 12, 2007, 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, Jacobs, McCulloch, Neal and Sample-Wynn.

Absent: Councilmember Haynes.

The minutes of the regular meeting of February 26, 2007, were approved.

PRESENTATIONS

1. Ryan Nagel, Black and Veatch, gave a presentation on the water and sewer rate study prepared by Black and Veatch for the City of Port Huron (see City Clerk File No. 07-28 for a copy of PowerPoint presentation and City Clerk File No. 07-29 for a copy of the study).

Karl Tomion, City Manager, presented a recommendation to develop a proposed plan to involve and engage our citizens in these financial decisions in advance of the normal budget process and to submit a request to the MDEQ seeking an extension for the completion of all the improvements currently required to be completed by 2012 (see City Clerk File No. 07-30).

Councilmember Sample-Wynn moved to adopt the City Manager's recommendation.

Motion adopted by the following vote:

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

PUBLIC AUDIENCES

1. The following residents addressed the City Council relative to the uncertainty they are living in and the inability to sell their homes that are located in the footprint of the proposed Blue Water Bridge Plaza expansion due to the delay in the SEP-15 early acquisition proposal (see City Clerk File No. 07-31 for petition submitted):

Roger Thomas, 1725 Scott Avenue
Joe Ruch, 1517 Scott Avenue
Mark Shaw, 1521 Scott Avenue
Bonnie Atkins, 1661 Scott Avenue
Kathy Ernest, 1722 Scott Avenue

2. Dick Cummings, Avoca, addressed the City Council on behalf of the casino committee stating that monies received from the casino could go toward paying for the sewer separation costs and that he recommends that City Council and the County go to Washington, DC, and put pressure on and get it done.

AT THIS POINT, Karl Tomion, City Manager, responded to the residents on Scott Avenue stating that even though the SEP-15 program has been stopped there is a program for acquiring properties from those demonstrating economic hardship. The City Manager will make arrangements to meet with the neighborhood to discuss their concerns.

CONSENT AGENDA

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

Motion adopted by the following vote:

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

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

Upcoming events:
- Through March 17: CelticFest celebration.
- March 17: St. Patrick's Parade, 12 noon, starting in Pine Grove Park and continuing through downtown.
- March 24: Helen David Plaque Dedication, Heritage Park on the Quay
- Visit www.ph150.org for details about Port Huron's Sesquicentennial celebration.

FROM THE CITY MANAGER

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

On February 22, 2007, 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	$8,697.40
R.S. Contracting	$9,977.40
Clark Highway Services	$10,121.08

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 Six Hundred Ninety-Seven and 40/100 Dollars ($8,697.40) 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, Jacobs, McCulloch, Neal and Sample-Wynn.
No: None.
Absent: Councilmember Haynes.

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

On February 28, 2007, the City of Port Huron received four (4) bids for estimated annual consumption of 97,000 gallons of sodium hypochlorite for the Water Filtration Plant and the Water Reclamation Facility:

Hypo Systems	$.67 per gallon
PVS-Nolwood Chemicals, Inc.	$.81 per gallon
K. A. Steel Chemicals	$.88 per gallon
Alexander Chemical	*

* Does not meet specification

It is recommended that the bid of Hypo Systems, P. O. Box 838, Brighton, Michigan 48116, in the amount of $.67 per gallon, F.O.B., Port Huron 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, Jacobs, McCulloch, Neal and Sample-Wynn.
No: None.
Absent: Councilmember Haynes.

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

On March 1, 2007, the City of Port Huron received four (4) bids for the Water Reclamation Facility roof repair:

Zimmer Roofing & Construction	$38,790.00
Marlette Roofing & Sheet Metal Co.	$42,161.00
William Molnar Roofing Inc.	$42,940.00
Port Huron Roofing & Sheet Metal	$51,400.00

It is recommended that the bid of Zimmer Roofing & Construction, 133 Runnels Street, Port Huron, Michigan 48060, in the amount of Thirty-Eight Thousand Seven Hundred Ninety and 00/100 Dollars ($38,790.00) 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, Jacobs, McCulloch, Neal and Sample-Wynn.
No: None.
Absent: Councilmember Haynes.

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 to pay the attached payments. (See City Clerk File #07-01)

Motion adopted by the following vote:

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

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

WHEREAS, Chapter 12, Businesses, Article XV, Tattoo Establishments, Section 12-803(a), if adopted at this same meeting, requires that the owner-operator of a tattoo establishment must obtain a valid tattoo business license; and

WHEREAS, Section 12-803(b) requires that individuals who practicing tattooing as a tattooist or an apprentice and individuals who perform body piercing must also be licensed; and

WHEREAS, Section 12-806, License Fee, states that "The fee for a tattoo business license and/or individual licenses shall be established by resolution of the City Council from time to time";

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby adopts the following fees for tattoo establishments and individual licenses:

Business License:

Initial Annual License and Investigation Fee (includes background check and inspection of premises)	$250.00
Annual Renewal	$150.00

Individual Annual License:

Tattooist	$ 50.00
Tattoo Apprentice (limited time of 12 months)	$ 30.00
Body Piercer	$ 40.00

Motion adopted by the following vote:

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

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

WHEREAS, in 2006 and 2007, the U. S. Department of Housing and Urban Development (HUD) allocated $206,200 in HOME funding to the City of Port Huron for use in developing affordable housing and home ownership opportunities for low- and moderate-income persons in the City; and

WHEREAS, since the inception of the HOME program in 1995, a portion of the annual funds have been allocated to the Port Huron Neighborhood Housing Corporation (PHNHC) each year for their Affordable Housing Program; and

WHEREAS, each year the PHNHC has undertaken the goal of purchasing vacant homes, renovating and selling the homes to first-time buyers or constructing new homes on vacant lots and selling them to first-time buyers; and

WHEREAS, the PHNHC has been able to complete 75 homes within the City to date and wishes to continue in these endeavors; and

WHEREAS, the PHNHC and the City of Port Huron are committed to cooperatively working toward the City's goal of providing decent, affordable housing and home ownership opportunities for low- and moderate-income persons within the corporate limits of the City of Port Huron; and

WHEREAS, the PHNHC and the City of Port Huron wish to leverage resources and available HOME funds;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby allocates the remaining non-committed 2006 and 2007 HOME funds in the amount of $206,200 to the Port Huron Neighborhood Housing Corporation to continue their Affordable Housing Program and authorizes the appropriate City officials to execute any necessary documentation for the allocation.

Motion adopted by the following vote:

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

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

WHEREAS, Act 451, P.A., 1994, as amended, provides for the conveyance of state-owned tax reverted lands to municipal units for public purposes; and

WHEREAS, the following described property, located in the block bound by Minnie, 21st, Bancroft and 22nd Streets, was under the jurisdiction of the State of Michigan, Department of Natural Resources, and available for acquisition under the provisions of the above-mentioned act:

Vacant lot in the 2100 block of Minnie Street, legally described as: Lots 15 and 16, Block 15, Tunnel Depot Subdivision, City of Port Huron; and

WHEREAS, on July 17, 2006, the City of Port Huron acquired the above-mentioned property from the State of Michigan for a nominal fee of $1,900; and

WHEREAS, the Port Huron Neighborhood Housing Corporation (PHNHC), at their meeting of September 21, 2006, expressed interest in purchasing this vacant lot for the purpose of new construction; and

WHEREAS, the City is now the owner and wishes to transfer the property to the PHNHC for the purpose of constructing a new, single-family residence for sale to a low- to moderate-income family that is a first-time home buyer;

NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the conveyance, by quit claim deed, the City's interest in the vacant lot located in the 2100 block of Minnie Street, as legally described above, to the Port Huron Neighborhood Housing Corporation for the nominal fee of One Thousand Nine Hundred and 00/100 Dollars ($1,900.00) as set by the Department of Treasury; and

BE IT FURTHER RESOLVED that the City of Port Huron shall set up the necessary procedures and controls to provide for proper distribution of funds arising from the subsequent sale of acquired property in conformity with the above-mentioned act.

Motion adopted by the following vote:

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

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

WHEREAS, the City of Port Huron has been awarded $247,500 from a special federal appropriation from the U.S. Department of Housing and Urban Development's program known as the Economic Development Initiative Special Grant; and

WHEREAS, the City of Port Huron is a partner in the Port Huron Neighborhood Housing Corporation (PHNHC), a non-profit organization that has been in operation since 1991; and

WHEREAS, the PHNHC has renovated or constructed more than 75 homes throughout the City that have been sold at below market value to first-time home buyers; offers home buyer education seminars; participates as a partner in the Community Renaissance Program and other neighborhood preservation programs; and is a partner in the City's Affordable Housing Program; and

WHEREAS, it is the desire of the City of Port Huron and the PHNHC to continue to leverage and match funds with its partners in order to compliment the success that is seen in the Community Renaissance Program and throughout the Olde Town Neighborhood Area as a part of "Revitalizing Port Huron";

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the subrecipient agreement with the Port Huron Neighborhood Housing Corporation regarding the administration and implement of the special appropriation from the U.S. Department of Housing and Urban Development and authorizing the appropriate City officials to execute any necessary documents (see City Clerk File #07-32).

Motion adopted by the following vote:

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

R-6. Councilmember Neal 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 on the proposed 2007 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 2007 to the U.S. Department of Housing and Urban Development for their review and approval (see City Clerk File No. 07-33);

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.

Motion adopted by the following vote:

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

***R-7.** WHEREAS, on February 26, 2007, the City Council, after due notice and proper hearing, adopted a resolution objecting to renewal of the following on-premise Class C/SDM license:

Streamline Tavern, 1934 Lapeer Avenue, Port Huron (Greg Crandall)

for non-payment of personal property taxes; and

WHEREAS, all payments have been made by Streamline Tavern;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby recommends approval of the above-named Class C/SDM license for the 2007-08 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-8.** WHEREAS, the City Planning Commission has received a request from City Administration to rezone a portion of the Oak Crest Homes property purchased from Port of Hopes, in the block bound by 8th, 7th, Oak, and Griswold Streets, from a C-1, General Business zoning district, to an A-1, Medium Density Multiple Family zoning district, legally described as:

the south 8.3 feet of Lot 19, Block 32, White Plat, City of Port Huron; and

WHEREAS, on March 6, 2007, the City Planning Commission held a public hearing to hear comments on the proposed rezoning; and

WHEREAS, the City Planning Commission, after due consideration, recommended approval (vote: 7 ayes; 0 nays; 2 absent; 0 abstained) of the rezoning;

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 April 9, 2007, to hear comments on the request from the City Administration for the rezoning of the above described property.

Adopted.

ORDINANCES

O-1. Councilmember Neal moved that an ordinance introduced February 26, 2007, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1277

AN ORDINANCE TO AMEND CHAPTER 12, BUSINESSES, BY ADDING ARTICLE XV, TATTOO ESTABLISHMENTS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF PROVIDING LICENSING AND REGULATIONS FOR TATTOO PARLORS.

THE CITY OF PORT HURON ORDAINS:

That Chapter 12, Businesses, of the Code of Ordinances of the City of Port Huron, for the purpose of adding regulations pertaining to tattoo establishments, is hereby amended by the addition of Article XV, Tattoo Establishments, to read as follows:

CHAPTER 12. BUSINESSES
ARTICLE XV. TATTOO ESTABLISHMENTS

Sec. 12-801. Intent of ordinance.

This ordinance is intended to set forth licensing requirements for any establishment in the City of Port Huron wherein tattooing or body piercing or branding occurs or is available. Further, this ordinance intends to regulate the operation of tattoo parlor businesses and certain employees thereof. The City of Port Huron has determined that such requirements and regulations are in the best health, safety and welfare interests of the general public.

Sec. 12-802. Definitions.

The following words and phrases, when used in this ordinance, shall have the meaning respectively ascribed to them:

"Body Piercing" shall mean the perforation of human tissue other than an ear, for a non medical purpose.

"Chief of police" shall mean the chief of the city police department, or his or her designee.

"City attorney" shall mean the city attorney for the city, or his or her designee.

"City clerk" shall mean the city clerk of the city, or his or her designee.

"Communicable disease" means any transmittable, infectious, or contagious blood-borne disease.

"Fire chief" shall mean the fire chief of the city, or his or her designee.

"Employee" means any person who renders any service in connection with the operation of a tattoo parlor and who receives compensation from the operator of the parlor or patrons.

"Planning director" shall mean the planning director of the city, or his or her designee.

"Minor" means an individual under 18 years of age who is not emancipated under section 4 of Act No. 293 of the Public Acts of 1968, being section 722.4 of the Michigan Complied Laws.

"Tattooing" means the creation of an indelible mark or figure upon the human body by insertion of pigment into or under the skin or by the production of scars, or burning of skin.

"Tattoo parlor" means any place of establishment where tattooing and/or body piercing (as defined) is made available.

"Owner or operator" means a person who owns or controls the operation of a tattoo parlor. This includes individuals, licensees, managers, lessees, sponsors, partnerships, corporations, societies, cooperatives, organizations, associations or any combination of individuals of whatever form or character.

"Patron" means any person who receives a tattoo and/or piercing on the premises of a tattoo parlor whether or not money is exchanged.

Sec. 12-803. Licenses required.

(a) No owner-operator shall engage in or carry-on the operation of a tattoo parlor without first obtaining a valid tattoo business license issued by the City of Port Huron pursuant to this ordinance. A separate license shall be required for each office or place of business used by such owner-operator. Each tattoo business license shall be valid for no more than one year only. Such a license shall, in any event, expire on December 31st each year. A valid tattoo business license shall be prominently displaced and in public view at all times.

(b) No person shall practice tattooing as a tattooist or as an apprentice, perform body piercing or marking without first obtaining an annual valid individual tattooist's or body piercing license pursuant to this chapter.

(c) Employment at a valid and currently licensed business is necessary in order to obtain an individual license.

Sec. 12-804. License application.

Any owner or operator desiring a tattoo parlor business license or individual desiring a tattooist's or body piercing license shall file a written application with the City Clerk on a form to be furnished by the City Clerk. The applicant shall also tender the correct license fee, which shall not be refundable, at the time the application is submitted and shall furnish the following information:

(a) The type of ownership of the business, i.e. whether an individual, partnership, corporation, cooperative, or otherwise;

(b) The name, style and designation under which the business or practice is to be conducted;

(c) A complete list of the names and residence addresses of all tattooists and employees in the business, and the name and residence of the manager or person principally in charge of the operation of the business;

(d) The following personal information concerning the applicant, if an individual; concerning each stockholder holding more than ten percent of the stock, each officer and each director, if a corporation; concerning the partners, including limited partners, if a partnership; and concerning the manager or other person principally in charge of the operation of the business:

(1) The name, complete residence address and residence telephone number;

(2) Proof of date of birth, height, weight, color of eyes, gender, and a recent photo;

(3) The similar business history and experience, including, but not limited to, whether or not such person, in previously operating in this or another city or state under a license or permit has had such a license or permit denied, revoked or suspended, the reason therefor and the business activities or occupations subsequent to such action or denial, suspension or revocation;

(4) All criminal convictions, other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted, the offense for which convicted and the circumstances thereof; and

(5) Authorization for the City and its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit and a signed declaration by the applicant under penalty of perjury, that the information contained in the application is true and correct.

(6) Current, valid health certificate in order to obtain an individual license as a tattooists, body piercer or apprentice.

(7) Evidence of successful completion of a blood borne pathogen course through an approved federal, state or local agency.

(8) A person and/or establishment shall comply with all the rules on blood borne pathogens which are prescribed by the U.S. Department of Labor Occupational Safety and Health Administration and by the Michigan Occupational Safety and Health Act (PA 154 of 1974).

Sec. 12-805. Approval and licensing process.

(a) Upon receipt of a tattoo business license application and/or individual's license application, the City Clerk shall submit a copy to the Chief of Police, Planning Director, Fire Chief, and any other relevant code enforcement officials for their respective reviews, inspections and recommendations. Such reports shall include a review of criteria outlined in Section 12-812(j), infra. The City Clerk may issue a tattoo license within 30 days unless reviews determine it does not meet the necessary criteria or finds any one of the following:

(1) The correct license fee has not been tendered to the City, or, in the case of a check or bank draft, such check or draft has not been honored with payment upon presentation.

(2) The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws, including, but not limited to, the City's building, fire, zoning and health-related ordinances.

(3) The applicant, if an individual; any of the stockholders holding more than ten percent of the stock, any officer and any director, if a corporation; any partner, including a limited partner, if a partnership; and the manager or other person principally in charge of the operation of the business, has been convicted of any crime involving moral turpitude (including, but not limited to, prostitution and pandering), gambling, extortion, fraud or criminal usury, (unless such conviction occurred at least eight years prior to the date of application, and the applicant has no convictions since such time and is neither on probation nor parole for such offenses).

(4) The applicant has knowingly made any false, misleading, or fraudulent statement of fact in the permit application or in any document required by the City in conjunction therewith.

(5) The applicant has had a tattoo business, or other similar permit or license denied, revoked, or suspended for any of the causes set forth in subsection (3) hereof by the City or any other state or local agency within eight years prior to the date of application.

(6) The applicant, if an individual; any officer or director, if a corporation; any partner, including a limited partner, if a partnership; and the manager or other person principally in charge of the operation of the business, is not over eighteen years of age.

(7) The applicant has failed to provide health certificates as required infra and/or said health certificate(s) establish that the applicant or its employees has/have an infectious or contagious disease in a transmittable condition.

(8) Compliance with Section 12-812(j) has not been obtained.

(9) The applicant for an individual license is not sponsored for employment by a licensed business.

(b) If the City Clerk denies any application, it shall specify the particular grounds for such denial and shall notify the applicant by regular mail addressed to the applicant at the address shown on the application. Such notice shall specify the grounds for which the application is denied.

Sec. 12-806. License fee.

The fees for a tattoo business license and/or individual licenses shall be established by resolution of the City Council from time to time.

Sec. 12-807. License transferability.

No tattoo business license is transferable, separable, or divisible, and such authority as a license confers shall be conferred only on the licensee named therein at the particular licensed site.

Sec. 12-808. Hearings; appeals; variances.

Within twenty days of the date of denial of an application for a tattoo business license, the applicant may request, in the form of a written application to the City Clerk, a hearing before City Council for reconsideration of his or her license application or for a variance of any of the provisions of this ordinance which constituted grounds for the original denial of the application. Such hearings shall be conducted as follows:

(a) At the hearing the applicant and/or his/her representative may present and submit evidence on the applicant's behalf to show that the grounds for the original denial no longer exist.

(b) At the hearing, the applicant and/or his/her representative may present a statement and adequate evidence showing that:

(1) There are exceptional or extraordinary circumstances or conditions applying to the proposed tattoo parlor referred to in the appeal application submitted to the City Clerk, which do not apply generally to any proposed tattoo parlor; or

(2) The granting of a tattoo business license will not, under circumstances of the particular case, materially affect adversely the health, safety, or welfare of the persons residing or working in the neighborhood, or attending any tattoo parlor, and will not under the circumstances of the particular case, be materially detrimental to the public welfare injurious to the immediate neighborhood or the city at large.

(c) After reviewing an applicant's evidence, City Council shall determine whether to sustain the denial or grant the application for license. Council may impose conditions on the granting of a license which are designed to promote this ordinance's intent and the health, safety and welfare of the general public. In all cases where Council grants a variance of any provision of this ordinance, Council must find that:

(1) The granting of the variance, under such conditions as Council may deem necessary or desirable to apply thereto, will be in harmony with the general purpose and intent of this ordinance, and

(2) It will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Sec. 12-809. Compliance with medical waste regulatory act.

Each owner-operator of a tattoo parlor must comply with all terms of the Michigan Medical Waste Regulatory Act as amended (MCL 333.13801 through 333.13831, as amended). This includes the proper disposal of single-use needles, sharps, and linens.

Sec. 12-810. Health certificate requirements.

(a) Every owner, operator, or employee engaged in, assisting in, or otherwise participating in tattoo services must obtain an annual health certificate as set forth below. The health certificate shall be issued by a legally licensed physician. Such certificate shall attest to the fact that the bearer has been actually and thoroughly examined by such physician and was free from any transmittable, infectious, or contagious blood-borne disease. The examination shall specifically include a blood test for syphilis, gonorrhea, herpes, and AIDS and any other infectious or contagious blood-borne diseases. All of the information and test results thereof and the dates and other information required to be shown on the health certificate, except the employee's signature, shall be placed thereon by the physician issuing the certificate or under the direction of such physician. No such health certificate shall be valid unless it contains all of the information shown to be required thereon.

(b) A health certificate required by this chapter shall bear the signature of the individual named thereon, the signature of the physician executing the examination, tests upon which such certificate is based, and shall be on a form furnished by the City Clerk.

(c) Each health certificate issued under this ordinance shall be valid for only one year.

(d) It shall be unlawful for any person to knowingly make any false, fraudulent or untruthful statement, either written or oral, to any examining physician, or in any way knowingly to conceal any material fact from such physician, or to give or use any fictitious name in order to secure or aid in securing a health certificate required by this ordinance. Any health certificate so secured shall be void.

(e) It shall be unlawful for any individual to fraudulently make use of, in any manner, to his own or another's benefit or advantage, a health certificate which has not been duly issued to him in accordance with the provisions of this ordinance.

(f) It shall be unlawful for any licensed physician to issue a health certificate required under the provisions of this ordinance knowing the same to be false.

(g) It shall be unlawful for any person to counterfeit or forge, or to change, deface or alter a health certificate required by or issued under the provisions of this ordinance.

(h) For good cause shown, an owner or operator, or the Chief of Police or his duly authorized representative, shall have the authority to require a physical examination by a licensed physician of any individual required to have a health certificate, even if such person has a valid health certificate at the time of the request. Once such a request has been made, no such person shall commence or continue in such employment or working in any such capacities until a new health certificate is issued after the requested examination.

(i) If an individual refuses or fails to comply with a request as set forth in subsection (h), he/she shall surrender to the Chief of Police any otherwise valid health certificate for him/her, and such certificate shall be deemed cancelled. If his/her health certificate is in the custody of an employer/owner/operator, such custodian shall surrender the certificate to the Chief of Police and shall not allow the individual to work or continue working in any capacity related to tattooing services until a valid health certificate is subsequently issued after the requested examination.

Sec. 12-811. Location of facility.

All establishments created after the effective date of this ordinance and all establishments existing on the effective date of this ordinance that may be sold to new ownership after the effective date of ordinance:

(a) Must be located in a C-1 zoning district and comply with all required zoning and building code regulations, fire code regulations and any other applicable federal, state and local codes or ordinances.

(b) The establishment of a tattoo parlor is prohibited if the establishment of such use is within a three hundred (300) foot radius of any of the following uses:

(1) Adult entertainment businesses as defined in Section 52-416 of the City of Port Huron Zoning Ordinance.

(2) Any establishment wherein beer or intoxicating liquor is sold for consumption on the premises.

(3) Residential dwellings

(4) Residential zoned districts

(5) Churches, places of worship
(6) Public or private schools.
(7) Tattoo establishments

(c) The City Council may waive the location restrictions set forth herein for the enumerated regulated uses, except adult entertainment businesses and bars, provided all of the following findings are made:

(1) That the proposed use will not be contrary to the public interest or interfere with the use and enjoyment of nearby properties, and that the spirit and intent of this ordinance will be observed.

(2) That the proposed use will not enlarge or encourage the development of a "blighted" area.

(3) That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program of urban renewal.

(4) That the general location of the proposed use does not exhibit commercial blight or deterioration.

(5) That all applicable regulations of the ordinance will be observed as well as all other applicable codes and ordinances.

Sec. 12-812. Operational requirements.

(a) No tattoo establishment shall have an entrance or exit way providing a direct passageway to any other type of business, residence or living quarters.

(b) All tattoo parlors are declared to be public places, and shall not, during business hours, have the doors to the exits and entrances of such establishments locked or obstructed in any way so as to prevent free ingress and egress of persons; provided, however, such doors may be closed. All work undertaken shall be screened from public viewing.

(c) Every tattoo parlor shall be open for inspection by duly authorized representatives of any city department concerned with the licensing and supervision of such establishment during operating hours for the purpose of enforcing any of the provisions of this chapter or other ordinances or regulations of the City relating to the public health, safety, and welfare.

(d) No tattoo parlor shall be kept open for any purpose between the hours of 11:00 p.m. and 8:00 a.m. Sunday through Thursday, and from 2:00 a.m. to 8:00 a.m. on Friday and Saturday.

(e) It shall be the duty of every person conducting or operating a tattoo parlor to keep the premises at all times in a clean and sanitary condition. All instruments, needles, and devices or parts thereof that come into contact with the human body shall be sterilized by a modern and approved method of sterilization, before initial use, and any such instruments, needles, and devices or parts thereof, after having been used upon one patron shall not be used on another patron.

(f) All persons providing tattoo services shall clean their hands thoroughly with an antiseptic before administering to each patron accommodated and gloves must be worn during all tattooing and similar procedures.

(g) No individual suffering from a communicable disease shall work or be employed in a tattoo parlor. No individual suffering from a communicable disease to the knowledge of the owner, custodian, or employee of a tattoo parlor shall be accommodated as a patron thereon.

(h) The tattoo parlor shall keep a list of the names and addresses of all employees, both on-duty and off-duty, and such list shall be shown to the Chief of Police or his duly authorized Public Safety Officer upon request.

(i) Every person who operates a tattoo parlor shall maintain an accurate record in a well-bound book or file of all patrons accommodated. Such records shall include the patron's name, proof of identity, age and current address together with the time and date of service, the nature of the service provided, and the name of the tattooist so providing the service. 'Service' shall be defined as a broad category of either a tattoo, a body piercing or branding, or "other" body modification. Every patron shall furnish proof of identity by showing a valid driver's license, or similar photo identification, to the person that operates the tattoo parlor for the purpose of maintaining the accuracy of the establishment's record book. Such record book or file shall be available at all times at the tattoo parlor.

(j) No license to conduct a tattoo parlor shall be issued unless an inspection by the City reveals that the premises complies with each of the following minimum requirements:

(1) Minimum lighting shall be provided in accordance with the City Building Code or other applicable code.

(2) Minimum ventilation shall be provided in accordance with the City Building Code or other applicable code.

(3) Adequate equipment for disinfecting and sterilizing instruments used in performing the acts of tattooing shall be provided. Reusable equipment shall be autoclaved appropriately and single-use items shall be disposed of in accordance with Sec. 12-809.

(4) Hot and cold running water shall be provided at all times.

(5) A minimum of one separate wash basin shall be provided in each tattoo establishment for the use of employees of any such tattoo establishment. The basin shall provide antiseptic soap or detergent and hot and cold running water at all times and shall be located within or as close as practicable to the area devoted to the performing of tattoo services. In addition, there shall be provided at each wash basin sanitary towels placed in permanently installed dispensers.

(k) In addition to subsection (j) requirements, all premises used by a licensee under this ordinance shall be periodically inspected by the Chief of Police, the Building Official, and the Fire Chief, or their authorized representatives, for the safety of the structure and the adequacy of the building, plumbing, ventilation, heating, and illumination and other code compliance. The following minimum standards shall be maintained:

(1) Walls, floors and ceilings shall be clean and painted with washable, mold-resistant paint in all rooms. All procedures shall be undertaken in private areas, screened from public view and from the other patrons or employees. All procedure surfaces shall be washable, in good repair, and maintained in a clean, sanitary condition.

(2) Floors shall be free from any accumulation of dust, dirt, or refuse, and must have a sanitary, water impermeable surface covering.

(3) All equipment used in the tattoo operation shall be maintained in a clean and sanitary condition.

(4) Towels, linen, and items for the personal use of tattoo operators and patrons shall be clean and freshly laundered or disposable. Towels, cloths, and sheets shall not be used for more than one patron. Heavy, white paper may be substituted for sheets, provided that such paper is changed for every patron and disposed of in accordance with the Medical Waste Regulatory Act as given in Section 12-809.

(5) Toilet facilities shall be provided in convenient locations. When five or more employees and patrons of different sexes are on the premises at the same time, separate toilet facilities shall be provided. A single water closet per sex shall be provided for each twenty or more employees or patrons of that sex on the premises at any one time. Urinals may be substituted for water closets after one water closet has been provided. Toilets shall be designated as to the sex accommodated therein. All toilet facilities in establishments created after the effective date of this ordinance shall meet the requirements established by all related federal, state and local codes regarding accessibility and conditions.

(6) The skin or hands of persons attending patrons shall be clean and in a healthy condition and the nails shall be kept short. The hands shall be washed thoroughly before giving the patron any attention.

(7) There shall be no animals allowed on the premises except service animals used by persons with disabilities.

Sec. 12-813. Unlawful acts.

(a) It shall be unlawful for any owner-operator to operate a tattoo parlor in violation of any provision of this ordinance.

(b) It shall be unlawful for any owner-operator to operate a tattoo parlor without a valid tattoo business license therefor issued annually by the clerk.

(c) It shall be unlawful for any owner-operator to operate a tattoo parlor unless each and every employee thereof has a valid health certificate issued pursuant to this ordinance.

(d) It shall be unlawful for any individual to work as a tattooist, body piercer/modifier or apprentice in a tattoo parlor without having a valid health certificate and a valid license issued pursuant to this ordinance.

(e) No person shall use, sell, give, dispense, provide or keep or cause to be sold, given, dispensed, provided or kept, any alcoholic beverages or controlled substances as defined by state law on the premises of any tattoo parlor.

(f) It shall be unlawful to provide tattoo services to a minor without the written consent of his or her parent or guardian and they must be accompanied by a parent or guardian.

(g) It shall be unlawful for a minor to present false identification or information to obtain a tattoo, body piercing, or branding.

Sec. 12-814. Penalty for violation.

Any violation of the provisions of the within ordinance shall be deemed a misdemeanor and any person convicted thereof may be punished by a fine of not more than five hundred dollars ($500.00), imprisonment for not more than ninety (90) days or by both fine and imprisonment in the discretion of the court for each violation.

Sec. 12-815. Effective Date.

This ordinance shall be effective immediately upon publication and shall allow for a 90 days compliance period from the effective date for all establishments and individuals to obtain proper health certifications, course completion and licenses.

Pauline M. Repp, MMC
City Clerk

ADOPTED: 03/12/07
PUBLISHED: 03/17/07
EFFECTIVE: 03/17/07

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

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

MOTIONS & MISCELLANEOUS BUSINESS

1. **Mayor Pro-tem Neal** requested that Administration contact federal legislators and see if there are other border communities that have, or are going through, a similar situation as we are and review with those communities how it has affected them, both pro and con, so that as the Plaza expansion issue progresses we can learn what went well and what didn't.

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, March 26, 2007, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

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

The meeting was called to order by Mayor 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 12, 2007, were approved.

PRESENTATIONS

1. Proclamation recognizing the 100th anniversary of the Port Huron Schubert Male Chorus was presented. The group serenaded the Council and audience with a song.

2. John Cruz, Chairperson of the Sister Cities Commission, introduced the following guests from our sister college, San Carlos University, Chiquimula, Guatemala: Mr. Roberto Diaz, Director of San Carlos University, Agricultural Engineer; Ms. Rosa Isabel Aguilar de Diaz, Professor, Business Administration, Educational Administration, Teacher Education; and Dr. Benjamin Perez, Coordinator of San Carlos School of Medicine. Mayor Cutcher welcomed them to our city and each of the guests spoke briefly about their visit.

3. Karl S. Tomion, City Manager, presented a proposed public process for citizen input on alternatives to fund the Combined Sewer Overflow project. (See City Clerk File #07-34 for a copy of the letter outlining the proposal and the letter to the MDEQ requesting an extension.)

Tweed Kezziah and Susan Watkins, consultants from Kezziah Watkins, gave a presentation (see City Clerk File #07-35) explaining the use of community roundtable sessions to receive citizen input.

Councilmember Sample-Wynn moved to authorize the City Manager to proceed with the process outlined and for staff to draft proposed "givens" for use during the decision making process to be considered and adopted by Council at their next meeting.

Adopted unanimously.

4. Robert E. Clegg, City Engineer, gave an update on construction projects.

PUBLIC AUDIENCES

1. **Councilmember Sample-Wynn** moved to suspend the rules to permit Roger B. Thomas, coordinator for the Living in Limbo neighborhood coalition, to speak for up to 20 minutes on behalf of the coalition due to the uniqueness of the information.

Adopted unanimously.

Mr. Thomas spoke on behalf of the Living in Limbo neighborhood coalition and requested the City either drop their opposition to the Michigan Department of Transportation SEP-15 program for hardship cases within the expansion footprint south of the plaza or help their group find some other types of State funding to be used for the same purpose. (See City Clerk File #07-36 for a copy of material distributed by Mr. Thomas.)

2. Ken Harris, 1521 Wells Street, addressed the City Council and suggested the City stop discretionary spending (i.e. roof replacement) and asked why the second lowest bidder was being awarded a bid in Resolution #9.

3. Alice O'Neil, Port Huron, addressed the City Council and spoke regarding the hiring of the consultants and Council attendance at the roundtable sessions, Pine Grove Park's traffic flow, Adopt-a-Park and investing in the City.

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:

Upcoming events:
- March 31: Recreation's Easter Egg Hunt, Seaway Terminal, 11 a.m.
- April 2: Yard waste, brush and branch pickup programs begin and continue through November 29.
- Visit www. ph150.org for details about Port Huron's Sesquicentennial celebration.

COMMUNICATIONS & PETITIONS

***C-1.** From Robert J. Murison, Chief Financial Officer, GMA Corporation, requesting the creation of a Plant Rehabilitation District for their property located at 2401 - 16th Street. (Also see Resolution #7)

Received and filed.

FROM THE CITY MANAGER

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

On March 14, 2007, the City of Port Huron received three (3) qualified bids for the removal of contaminated soils from a former underground storage tank location at Grandview Towers.

S. A. Torello Inc.	$46,420.80 *
Sheldon Construction, Inc.	$50,481.00
Boddy Construction Co., Inc.	$83,389.61

* As corrected

It is recommended that the bid of S. A. Torello Inc., 3500 Dove Road, Port Huron, Michigan, 48060 in the amount of Forty-Six Thousand Four Hundred Twenty and 80/100 Dollars ($46,420.80) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

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

On March 15, 2007, the City of Port Huron received three (3) bids for Water Reclamation Facility Bio-Solids Dewatering:

Synagro, LLC	$ 48,066.00
Merrell Bros., Inc.	$ 57,250.10
Biotech Agronomics	$103,914.00

It is recommended that the bid of Synagro, LLC, 7014 East Baltimore Street, Baltimore, MD 21224, in the amount of Forty-Eight Thousand Sixty-Six and 00/100 Dollars ($48,066.00) 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 to pay the attached payments. (See City Clerk File #07-01)

Adopted.

***R.2.** WHEREAS, it is stated in Section 91 of the Uniform City Income Tax Ordinance (Ordinance #492 of March 11, 1968):

> "The governing body of the City shall appoint an Income Tax Board of Review consisting of three residents of the City who are not City officials or employees;" and

WHEREAS, there is a vacancy on the Board due to Rebecca B. McNash no longer qualifying as a resident;

NOW, THEREFORE, BE IT RESOLVED that Reginald T. Cummings is hereby appointed as a member of the Income Tax Board of Review.

Adopted.

***R-3.** WHEREAS, the City of Port Huron's existing five-year Parks and Recreation Plan expired in 2006; and

WHEREAS, to begin the process of updating a new five-year plan, a survey was randomly sent to City residents to receive their views and opinions of the parks and recreation facilities and programs; and

WHEREAS, City administration has prepared a draft of a new Parks and Recreation Plan taking into consideration the survey results and staff recommendations for changes and improvements; and

WHEREAS, the draft 2007-2011 Parks and Recreation Plan is now available for public review and comment in the City Clerk's Office and City Recreation Office; and

WHEREAS, the Michigan Department of Natural Resources (MDNR) offers various grant opportunities to communities that have a comprehensive parks and recreation plan approved by the agency in order to be eligible for state and federal recreation grant programs; and

WHEREAS, before adoption of the five-year Parks and Recreation Plan, the MDNR requires that the City hold a public hearing to hear input and comments from citizens on the proposed plan;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for April 9, 2007, to hear input and comments from citizens on the draft 2007-2011 Parks and Recreation Plan;

BE IT FURTHER RESOLVED that the City Clerk shall publish notice of said public hearing in the newspaper at least one week prior to the date of the public hearing.

Adopted.

***R-4.** WHEREAS, a 21-member Beautification Commission was established at the City Council meeting of December 9, 1985;

NOW, THEREFORE, BE IT RESOLVED that Alice Mariani is hereby reappointed to the Beautification Commission for a three-year term to expire on January 30, 2010.

Adopted.

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

WHEREAS, the Port Huron Lions Club has operated a concession in Pine Grove Park since 1974; and

WHEREAS, there has been prepared an agreement between the City of Port Huron and the Port Huron Lions Club for continuation of this concession;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with the Port Huron Lions Club to operate a concession in Pine Grove Park from May 1, 2007, through September 30, 2009, and authorizing the appropriate City officials to execute said agreement (see City Clerk File #07-37).

Adopted unanimously.

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

WHEREAS, the cost for trash pickup and/or blight cleanup shall be assessed to the property owner(s) pursuant to City ordinances, Sections 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 $352.48 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk File #07-38).

Adopted.

***R-7.** WHEREAS, Public Act 198 of 1974, as amend, allows the for the establishment of a Plant Rehabilitation District; and

WHEREAS, a Plant Rehabilitation District provides tax incentives for new construction or extensive renovations and improvements of functionally obsolete industrial buildings for a period of one to 12 years; and

WHEREAS, new construction or extensively renovated and improved industrial buildings will result in new manufacturing facilities and new employment opportunities; and

WHEREAS, GMA Cover Corporation, owner of the 2401 – 16th Street, formerly known as the U.S. Manufacturing building, desires to make improvements to the building for expansion purposes; and

WHEREAS, the establishment of a Plant Rehabilitation District requires that a public hearing be scheduled for the City Council to receive comments on the request;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for April 9, 2007, in order to hear comments on the request from GMA Cover Corporation for the establishment of a Plant Rehabilitation District.

Adopted.

***R-8.** WHEREAS, the Blue Water Sportfishing Association, Inc., has made application to the Bureau of State Lottery for a gaming license to conduct a raffle; and

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron does hereby recognize the Blue Water Sportfishing Association, Inc., as a nonprofit organization in the City of Port Huron.

Adopted.

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

WHEREAS, on February 26, 2007, the City Council adopted From the City Manager #1 which awarded the bid to Joe Young Excavating in the amount of $6,200.00 to demolish the structure located at 612 Glenwood Avenue (Code Case #06-004); and

WHEREAS, the contractor has notified the City they are unable to proceed with the demolition and have withdrawn their bid; and

WHEREAS, the second low bidder, Hammars Contracting, LLC, has been contacted and is willing to undertake the demolition at their bid price of $7,860.00;

NOW, THEREFORE, BE IT RESOLVED that From the City Manager #1 dated February 26, 2007, is hereby rescinded and the demolition of the structure located at 612 Glenwood Avenue (Code Case #06-004) is hereby awarded to the second low bidder, Hammars Contracting, LLC, in the amount of $7,860.00 and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

MOTIONS & MISCELLANEOUS BUSINESS

1. Mayor Cutcher announced the following:

• March 19: Ribbon cutting, A Day Away Spa, 305-1/2 Bard Street.
• March 22: Child Abuse and Neglect Council awards luncheon with the Port Huron Police Department receiving the Community Advocate of the Year award.
• March 24: Blessing of the Fleet ceremony, Maritime Center.
• March 24: "Helen David Day" in Port Huron and dedication of her plaque in Heritage Park followed by a birthday party held in her remembrance at the Brass Rail. Helen's plaque will be the model for future plaques placed in the park.
• Port Huron Hospital congratulated for being selected as one of the 100 best hospitals in the U.S.

2. Councilmember Fisher announced that in the spirit of the City's Sesquicentennial "Celebrating our Past," the first organizational meeting for the vintage baseball group will be held on Friday, March 30, at 7 p.m. at his home, 816 Court Street. Baseball matches have been scheduled with Ludington, Mount Clemens, Rochester and Bay City. Continuing with the theme, "Imagine the Future," today is Leonard Nimoy's birthday.

3. Councilmember McCulloch stated that it was nice to see all of the different activities at McMorran this past weekend (Pirates football, Flags hockey, Home & Sport Show and movie) and stated there really are things to do in Port Huron.

4. Councilmember Sample-Wynn stated the 2008 First Night event is coming up and they are looking for an artist to design the button “Imagine Our Future” and to contact her for further details. The deadline for the design is June 1.

5. Councilmember Jacobs congratulated Chief Eick and the Port Huron Fire Department on their continued accreditation.

6. Councilmember Neal asked what the next step would be with the Living in Limbo group and City Manager Karl Tomion stated that he is trying to set up a meeting with MDOT, the City and the group.

On motion (9:10 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC
Deputy City Clerk

(Page intentionally left blank)

Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, April 9, 2007, at 6:00 p.m. in Conference Room 101, Municipal Office Center.

The meeting was called to order by Mayor Cutcher.

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

1. Mayor Cutcher had City Manager Karl Tomion go through the proposed "givens" (see Resolution #2 of April 9, 2007, regular meeting) for the budget roundtable process. Mr. Tomion stated that the "givens" are established so that the responses from citizens are within a range of decisions that Council is comfortable with.

Discussion held on the length of time proposed of 50 years. Councilmember Sample-Wynn and Mayor Cutcher felt this was not a realistic time frame and Councilmember Jacobs agreed. Councilmembers Fisher, Haynes, McCulloch and Neal felt comfortable with it. It was stated that it would be at least 25 years before the debt service was paid for.

Discussion held on need to include a "given" about the fact that there are certain federal, state and local financial regulations that would prohibit changes and certain funds that cannot be touched in certain areas and that the public should be aware of those.

The City Manager stated a packet will be prepared in advance for those attending the roundtables so that they are well informed prior to participating.

Discussion held on whether non-citizens of Port Huron should participate. It was stated that there are many people who have a vested interest but are not necessarily residents and they should be given an opportunity to participate. A statement saying that "priority will be given to Port Huron citizens" could be added to the "given" on public involvement.

Councilmember Sample-Wynn asked about the possibility of a dedicated millage being offered as a solution rather than just cut services or increase rates. Mr. Tomion responded that there will be options presented.

Councilmember Neal stated that he has received phone calls about the income tax and feels there are misconceptions about income tax as far as it was set up for sewer separation and asked if that can that be answered. Councilmember Haynes stated he would like a bit of history about the income tax.

2. Discussion was held on a date for a special meeting to discuss the upcoming contract negotiations. Everyone checked their calendars and the date of Thursday, April 19, at 6:00 p.m. in Conference Room 408 was decided upon.

PUBLIC AUDIENCES

1. Ken Harris, 1521 Wells Street, stated he thought 50 years was too long and thinks Council is sending wrong message that it can't be handled in shorter amount of time; stated County is going through financial problems also and they are considering changing employee benefits for union employees and City should consider; and he stated he feels all people should be involved.

On motion (7:00 p.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

(Page intentionally left blank)

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, April 9, 2007, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Bob Diehl, St. Paul's 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 March 26, 2007, were approved.

PUBLIC HEARINGS

1. The Mayor announced that this was the time to hear comments on the request of GMA Cover Corporation, 2401 - 16th Street, to establish their property as a Plant Rehabilitation District. (See Resolution #7)

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 draft 2007-2011 Parks and Recreation Plan. (See Resolution #11)

No one appeared to be heard.

Robert Eick, Director of Parks, explained the plan.

The Mayor declared the hearing closed.

3. The Mayor announced that this was the time to hear comments on the request to rezone a portion of the Oak Crest Homes property, located in the block bound by 8th, 7th, Oak and Griswold Streets, from C-1 (General Business District) to A-1 (Medium Density Multiple Family District). (See Ordinance #1)

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.)

Adopted unanimously.

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

Information:

- The City's Beautification Commission needs volunteers to help with preparing and planting of 22 flower beds. Please join them on Saturday, May 5, and/or Saturday, May 19, at 8:00 a.m. in front of the County Building, 201 McMorran Boulevard. For more information or to volunteer, contact Jean Webb at 810-329-0049.

- Curbside pickup of yard waste in containers and compost bags has begun and continues through the end of November.

- Large brush, branch and tree trimmings has also begun and continues through the end of November. Contact Forestry at 987-6000 for pickup of these items at the curb.

- Visit www. ph150.org for details about Port Huron's Sesquicentennial celebration.

COMMUNICATIONS & PETITIONS

***C-1.** From Dick McGrath, Port Huron Museum Interim Director, requesting that the vendor permit fees be waived for the Feast of the Ste. Claire to be held May 26 and 27, 2007, in Pine Grove Park.

Received and filed and request granted.

FROM THE CITY MANAGER

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

On March 21, 2007, the City of Port Huron received four (4) bids for the Gratiot Avenue Storm Outfall repair:

Murray Underground Systems, Inc.	$ 6,455.00
Teltow Contracting, Inc.	$ 7,857.00
Boddy Construction. Co., Inc.	$10,512.47
Pamar Enterprises, Inc.	$15,500.00

It is recommended that the bid of Murray Underground Systems, Inc. 5282 Lakeshore Road, Fort Gratiot, Michigan 48059, in the amount of Six Thousand Four Hundred Fifty-Five and 00/100 Dollars ($6,455.00) 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 to pay the attached payments. (See City Clerk File #07-01)

Adopted unanimously.

NOTE: Request made by Councilmember Sample-Wynn for a breakdown of costs for Rehabilitation of the 7th Street Bridge (Attachment 1-4).

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

WHEREAS, at the City Council meeting of March 26, 2007, a proposal to conduct a budget roundtable process to address the financial problems associated with the City's Combined Sewer Overflow (CSO) project was approved by the City Council; and

WHEREAS, the City's consultant, Kezziah Watkins of Colorado Springs, Colorado, has recommended that as part of this process the City Council adopt parameters within which citizen recommendations for resolving this issue would be made; and

WHEREAS, the City staff has prepared the following proposed "givens":

- The roundtable process will generate a long-term solution that will position the City for success and serve us now and for the next 50 years.
- The City will comply with all federal and state health, safety and environmental regulations.
- Decisions made through this process will not place the City in financial peril.
- Revenues which are restricted by federal, state, charter or other regulations or requirements will only be used in ways which satisfy the applicable regulations or requirements.
- The staff will recommend a balanced 2007-2008 budget to City Council, independent of the CSO funding issue.
- Public involvement in the decision-making process will be open to all citizens and all voices will be considered equally.
- City Council will make the final decision, consistent with the City Charter.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby adopts these "givens" and directs that they be utilized in the proposed budget roundtable process.

Councilmember Sample-Wynn moved to amend the resolution by changing the first "given" to 25 years instead of 50 years.

Motion failed by the following vote:

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

Councilmember Haynes moved to amend the resolution by inserting the phrase "Priority will be given to Port Huron citizens." following the sixth "given" stating "Public involvement in the decision making process. . ."

Motion adopted unanimously.

Motion to adopt resolution, as amended, adopted unanimously.

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

WHEREAS, there has been a contract (#07-5068) prepared between the City of Port Huron and the Michigan Department of Transportation (MDOT) for the reconstruction of Gratiot Avenue from Krafft Road to Keewahdin Road; 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 State Jobs Today Grant is in the amount of $257,000; and

WHEREAS, the total estimated eligible cost of $1,726,400 is to be shared as follows:

Federal Aid	$1,381,100
State Jobs Today Grants	$ 257,000
City Share	$ 88,300
	$1,726,400

WHEREAS, the estimated ineligible cost items for the project are $122,400 of which the City is 100% responsible for; 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 Gratiot Avenue from Krafft Road to Keewahdin Road; and all together with necessary related work; authorizes a local match totaling $210,700; and authorizes the appropriate City officials to execute the agreement. (See City Clerk File #07-39)

Adopted unanimously.

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

WHEREAS, Gratiot Avenue from Krafft Road to Keewahdin Road is in need of reconstruction and all together with necessary related work; and

WHEREAS, the City of Port Huron has secured Federal Surface Transportation Program (STP) funds to pay for a portion of this project; and

WHEREAS, the STP grant funds in the amount of $557,000 for fiscal year 2007 and $1,028,000 for fiscal year 2008 were awarded; and

WHEREAS, the City of Port Huron has secured a $257,000 State of Michigan Jobs Today grant to fund a portion of the project if the work is completed during the 2007 construction season; and

WHEREAS, it is in the best interest of the community to improve this corridor in a single construction season; and

WHEREAS, Michigan Department of Transportation (MDOT) is offering the City a construction loan to fund the 2008 award amount until the grant funds are available; and

WHEREAS, it is in the best interest of the City to accept the loan, the Michigan Jobs Today grant, and complete the project during the 2007 construction season;

NOW, THEREFORE BE IT RESOLVED that the City Council accepts the State of Michigan Jobs Today grant for Gratiot Avenue from Krafft Road to Keewahdin road reconstruction and all together with necessary related work and hereby approves the Local Jobs Today loan contract with MDOT to cover activities until the grant funds become available and authorizes the appropriate City officials to execute the loan contract (see City Clerk File #07-40).

Adopted unanimously.

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

WHEREAS, it is necessary to perform professional engineering services during the reconstruction of Gratiot Avenue from Krafft Road to Keewahdin Road; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with BMJ Engineers & Surveyors, Inc. for professional engineering services during the reconstruction of Gratiot Avenue from Krafft Road to Keewahdin Road and authorizes the appropriate City officials to execute the agreement (see City Clerk File #07-41).

Adopted unanimously.

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

WHEREAS, the cost for trash pickup and/or blight cleanup shall be assessed to the property owner(s) pursuant to City ordinances, Sections 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 $644.39 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk File #07-42).

Adopted.

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

WHEREAS, pursuant to Act No. 198 of the Public Acts of 1974, as amended, the City Council has the authority to establish Plant Rehabilitation Districts within the City; and

WHEREAS, GMA Cover Corporation has petitioned the City Council to establish a Plant Rehabilitation District on its property located at 2401 - 16th Street; and

WHEREAS, construction, acquisitions, alterations, or installation of a proposed facility has not commenced at the time of filing the request to establish this district; and

WHEREAS, written notice by mail to all owners of real property located within the district was given and a public notice was posted regarding the establishment of the proposed district; and

WHEREAS, on April 9, 2007, a public hearing was held at which all of the owners of real property within the proposed Plant Rehabilitation District and all residents and taxpayers of the City of Port Huron were afforded an opportunity to be heard thereon; and

WHEREAS, the City Council deems it to be in the public interest of the City of Port Huron to establish the Plant Rehabilitation District as proposed; and

WHEREAS, it is hereby determined that property comprising not less than 50 percent of the state equalized valuation of the property within the proposed Plant Rehabilitation District is obsolete;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby establishes 2401 - 16th Street, more fully described below, as Plant Rehabilitation District No. 1, pursuant to the provisions of Act No. 198 of the Public Acts of 1974:

> that part of Lots 7 and 8 Assessor's Plat of Jane A. White land beginning at northeast corner of Lot 8 thence southerly along west line of 16th Street 425 feet; thence westerly parallel with southerly line of Beard Street 635 feet; thence northerly parallel with westerly line of 16th Street 425 feet to south line of Beard Street; thence easterly 635 feet along said line to beginning, City of Port Huron, St. Clair County, State of Michigan.

Adopted unanimously.

***R-8.** WHEREAS, GMA Cover Corporation, 2401 - 16th Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (land and building improvements); 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 23, 2007, in order to hear comments on the application of GMA Cover Corporation for an Industrial Facilities Exemption Certificate; and

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

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

Adopted.

***R-9.** WHEREAS, GMA Cover Corporation, 2401 - 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, April 23, 2007, in order to hear comments on the application of GMA Cover Corporation for an Industrial Facilities Exemption Certificate; and

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

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

Adopted.

***R-10.** WHEREAS, BioPro, Inc., 17 Seventeenth 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 23, 2007, in order to hear comments on the application of BioPro, 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-11. Councilmember Neal offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron's existing five-year Parks and Recreation Plan expired in 2006; and

WHEREAS, before beginning the process of updating the plan, a survey was randomly sent to City residents to receive their views and opinions of the parks and recreation facilities and programs; and

WHEREAS, City administration prepared a draft 2007-2011 Parks and Recreation Plan, taking into consideration the survey results, staff recommendations and a public hearing was held before the City Council on April 9, 2007, to receive further public comment;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the 2007-2011 Parks and Recreation Plan (see City Clerk File #07-43);

BE IT FURTHER RESOLVED that the City Council authorizes the submission of the plan to the Michigan Department of Natural Resources for their review and approval in order to be eligible for state and federal recreation grant programs.

Adopted unanimously.

***R-12.** WHEREAS, the United States Community Development Block Grant (CDBG) 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, since 1984 CDBG funds have been used to assist a variety of projects within the City such as: home ownership and housing rehabilitation programs, street re-paving programs, site improvements for new housing developments (Oak Crest Homes, Renaissance South, and Ramblewood), aid to the elderly, creation of housing for the homeless, improved public services (24th Street Fire Station and Fire Truck), and neighborhood preservation programs; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED, the City of Port Huron joins other states, municipalities and agencies around the United States in calling attention to the importance of the services offered to low- or moderate-income residents and to reaffirm the need to continue with those efforts by designating the week of April 9 through April 15, 2007, for observation and celebration of "National Community Development Week."

Adopted.

***R-13.** WHEREAS, the City Council has received and considered the attached Preliminary Code Enforcement Report for Code Case #07-002, 2612 Armour Street (see City Clerk File # 07-44) 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:

Lots 180 and 181, Block G of Plat of that portion of the Lighthouse Reservation at Fort Gratiot sold in accordance with Act of Congress approved January 24, 1873 as recorded in Liber 2 of Plats, page 12, St. Clair County Records, also known as: 2612 Armour 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 April 23, 2007, 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-14.** 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 Mark A. Byrne and Mike Cansfield are hereby re-appointed to the Brownfield Redevelopment Authority with terms to expire on April 14, 2010.

Adopted.

***R-15.** WHEREAS, ALD Thermal Treatment, 2656 - 24th Street, Port Huron, Michigan, has applied for Industrial Facilities Exemption Certificates for machinery, equipment, furniture and fixtures for 12 years with the first two years being a 100% abatement as authorized by Act No. 328, P. A. of 1998 as amended by virtue of Act 20 of 1999; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for April 23, 2007, in order to hear comments on the applications of ALD Thermal Treatment for Industrial Facilities Exemption Certificates; and

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

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

Adopted.

***R-16.** WHEREAS, the Board of Review has completed the review, correction and certification of the 2007 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 2007 Assessment Roll is fully and finally confirmed by the City Council of the City of Port Huron. (See City Clerk File #07-45).

Adopted.

R-17. Councilmember Sample-Wynn offered and moved the adoption of the following resolution:

WHEREAS, after seven straight years of state budget deficits and four years of budget cuts, we are facing yet another $3 billion shortfall in state revenue for the current and 2007-08 fiscal years; and

WHEREAS, the Governor has already cut over $3.6 billion from the state's budget over the past four years, has cut more from the state's budget than any previous governor and is operating the state with fewer state employees than we had in 1970; and

WHEREAS, we have cut major taxes over 32 times in the past decade, our unemployment rate remains one of the highest in the country, and our auto industry continues to struggle; and

WHEREAS, the Single Business Tax (SBT), the primary tax paid by businesses in Michigan, will be entirely phased out by the end of the year with no replacement for the $1.2 billion revenue generated from this tax; and

WHEREAS, higher education in Michigan has already been cut by $250 million which has resulted in college students and their families having to pay double digit tuition increases and a college education moving further out of reach for the state's middle class; and

WHEREAS, funding for local governments has been cut by $2 billion the last five years resulting in a loss of over 1,600 police officers and 2,000 firefighters state-wide, thereby compromising the safety of our local communities; and

WHEREAS, further cuts to state safety net programs for food assistance, child care and health care will only result in a shift of demand to already overburdened county and municipal programs.

NOW, THEREFORE, BE IT RESOLVED that the City of Port Huron cannot sustain further cuts in essential state services and that further funding cuts will result in a loss of quality of life for the citizens of this state and an inability to attract new business to our communities; and

BE IT FURTHER RESOLVED that the Michigan Legislature must demonstrate bipartisan leadership by: 1) identifying a full replacement for the SBT, and 2) affirming their commitment to finding funding solutions to address the budget deficit in a manner that will move Michigan into a sound economic future and ensure a high quality of life for our residents.

Adopted unanimously.

ORDINANCES

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

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAPS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY LOCATED IN THE BLOCK BOUND BY 8TH, 7TH, OAK AND GRISWOLD STREETS FROM C-1 (GENERAL BUSINESS DISTRICT) TO A-1 (MEDIUM DENSITY MULTIPLE FAMILY DISTRICT).

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

MOTIONS & MISCELLANEOUS BUSINESS

1. Councilmember Sample-Wynn announced the theme "Imagine our Future" for First Night this year and stated they are looking for an artist to design the button.

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, April 19, 2007, at 6:00 p.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order at 6:20 p.m. by Mayor Cutcher.

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

MOTIONS & MISCELLANEOUS BUSINESS

Councilmember Fisher moved to enter into an executive session to discuss strategy and negotiation sessions connected with the negotiation of collective bargaining agreements.

Motion adopted unanimously.

Councilmember Neal (8:30 p.m.) moved to reconvene to regular session.

Motion adopted unanimously.

Discussion held on format and date for budget work session for City Council. The date of May 22, 2007, will be scheduled as a full day session. The budget will be distributed to City Council at their April 23, 2007, regular meeting and City Manager Karl Tomion will give a public presentation.

Discussion held on upcoming roundtables as far as logistics and methods used to encourage attendance.

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

PAULINE M. REPP, MMC
City Clerk

(Page intentionally left blank)

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, April 23, 2007, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

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

The meeting was called to order by Mayor Cutcher.

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

The minutes of the regular and special meetings of April 9, 2007, were approved.

PRESENTATIONS

1. Proclamation declaring the week of May 13 - 19, 2007, as Police Week and May 13, 2007, as Peace Officers Memorial Day was presented to William J. Corbett, Police Chief.

2. Proclamation declaring the week of April 27 - May 6, 2007, as Lions White Cane Week was presented to Orville Collins and Alex Taylor of the Port Huron Host Lions Club.

3. Proclamation declaring May 12, 2007, as National Association of Letter Carriers Food Drive Day was presented to Christine Brown, Branch 529 of the National Association of Letter Carriers.

4. Proclamation recognizing the celebration of Arbor Day on April 27, 2007, was presented to Robert W. Eick, Fire Chief.

5. Presentation on the proposed 2007-08 budget by John Ogden, Director of Finance (see City Clerk File No. 07-46 for copy of PowerPoint presentation).

6. Presentation on the proposed 2007-08 through 2011-12 Capital Improvement Program by Robert Clegg, City Engineer.

PUBLIC HEARINGS

1-2. The Mayor announced that this was the time to hear comments on the application of GMA Cover Corporation, 2401 - 16th Street, for Industrial Facilities Exemption Certificates – one for land and building improvements and one for machinery, equipment, furniture and fixtures. (See Resolution #2 & #3)

Doug Alexander, Executive Director, EDA, 735 Erie Street, and Bob Murison, Chief Financial Officer, GMA Cover Corporation, appeared to be heard.

The Mayor declared the hearing closed.

AT THIS POINT, Mayor Pro-tem Neal congratulated Doug Alexander and the EDA on their recent efforts resulting in two new employers locating in the area.

3. The Mayor announced that this was the time to hear comments on the application of BioPro, Inc., 17 Seventeenth Street, for an Industrial Facilities Exemption Certificate (machinery, equipment, furniture and fixtures). (See Resolution #4)

Doug Alexander, Executive Director, EDA, 735 Erie Street, and Steve Erdner, BioPro, Inc., 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 ALD Thermal Treatment, 2656 - 24th Street, for Industrial Facilities Exemption Certificates (machinery, equipment, furniture and fixtures). (See Resolution #5)

Doug Alexander, Executive Director, EDA, 735 Erie Street, and Robert Peters, ALD Thermal Treatment, appeared to be heard.

The Mayor declared the hearing closed.

5. The Mayor announced that this was the time to hear comments on Code Case #07-002, 2612 Armour 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 #15)

The City Clerk notified City Council that a certified letter had been sent to the owner of record relative to this public hearing.

Frederick Thomas, owner of the property, appeared to request that the house not be demolished stating that he is working on the property and has made arrangements to re-finance and will be applying for grants.

Kim Harmer, Planning Director, appeared to present the facts.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Patsy Chapman, 609 Lincoln Avenue, addressed the City Council asking about the reason for the "no parking" traffic order on Lincoln Avenue (Resolution #7).

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:

- Sign up for the Community Roundtables that will be held the week of June 11 and the week of June 25. Participation in this important CSO funding issue is encouraged. Visit www.porthuron.org or call the City Clerk's Office at 984-9725.

- The Beautification Commission needs volunteers to help with preparing and planting of 22 flower beds. Join them on Saturday, May 5, and/or Saturday, May 19, 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.

• Curbside pickup of yard waste in containers and compost bags has begun and continues through the end of November.

• Large brush, branch and tree trimmings has also begun and continues through the end of November. Contact Forestry at 987-6000 for pickup of these items at the curb.

• The City's Recreation Department will be accepting registrations for summer programs on May 8 for City residents and May 15 for non-residents. Call 984-9760 for details.

• 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 April 10, 2007, the City of Port Huron received four (4) bids for Holland Avenue at Pine Grove intersection repair:

Hinojosa Construction	$40,626.75
Boddy Construction Co., Inc.	$50,165.69
Raymond Excavating Co.	$52,643.49
Pamar Enterprises, Inc.	$74,029.92

It is recommended that the bid of Hinojosa Construction, 209 Melvin Road, Croswell, Michigan, 48422 in the amount of Forty Thousand Six Hundred Twenty-Six and 75/100 Dollars ($40,626.75) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

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

On April 10, 2007, the City of Port Huron received four (4) bids for Thomas Edison Depot roof replacement:

Reasonable Roofing, Inc.	$26,201.80 *
Richards Construction	$27,111.70
Zimmer Roofing & Construction	$33,421.20 *
William Molnar Roofing, Inc.	$34,790.00 *

* As corrected

It is recommended that the bid of Reasonable Roofing, 2644 Oakwood Drive, Port Huron, Michigan 48060, in the amount of Twenty Six Thousand Two Hundred One and 80/100 Dollars ($26,201.80) 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 March 8, 2007, the City of Port Huron received two (2) unit price bids for the 2007 Annual Sidewalk Contract. Based on estimated annual quantities, the following is a comparative summary of the bids received:

All Type Cement	$80,902.50
Hinojosa Construction	$84,562.50

It is recommended that the bid of All Type Cement, 9280 Puttygut Road, Casco, Michigan 48064, in the amount of Eighty Thousand Nine Hundred Two and 50/100 Dollars ($80,902.50) be accepted 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 April 10, 2007, the City of Port Huron received three (3) bids for Municipal Office Center Parking Garage Rehabilitation:

Western Water Proofing Co.	$265,669.00
Chezcore, Inc.	$354,090.50
D. C. Byers Company	$362,060.00

It is recommended that the bid of Western Water Proofing Co., 13800 Eckles Road, Livonia, Michigan, 48150 in the amount of Two Hundred Sixty-Five Thousand Six Hundred Sixty-Nine and 00/100 Dollars ($265,669.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

RESOLUTIONS

***R-1.** 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 2007-2008 fiscal year in the amount of $1,664,700 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 2007-2008 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 #07-47) be received for further review by the City Council and that a public hearing thereon be held May 14, 2007.

Received and filed and public hearing scheduled.

***R-2.** WHEREAS, GMA Cover Corporation, 2401 - 16th Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (land and building improvements); 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 23, 2007, to hear comments on the application; and

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

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

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

All real property: 12/31/07 to 12/31/19 (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 GMA Cover Corporation is located.

Adopted.

***R-3.** WHEREAS, GMA Cover Corporation, 2401 - 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 April 23, 2007, to hear comments on the application; and

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

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

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

All personal property: 12/31/07 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 GMA Cover Corporation is located.

Adopted.

***R-4.** WHEREAS, BioPro, Inc., 17 Seventeenth 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 23, 2007, 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 BioPro, 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: 12/31/07 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 BioPro, Inc. is located.

Adopted.

***R-5.** WHEREAS, ALD Thermal Treatment, 2656 - 24th Street, Port Huron, Michigan, has applied for Industrial Facilities Exemption Certificates for machinery, equipment, furniture and fixtures for 12 years with the first two years being a 100% abatement as authorized by Act No. 328, P. A. of 1998 as amended by virtue of Act 20 of 1999; and

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

WHEREAS, the Port Huron City Council held a public hearing on April 23, 2007, 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 ALD Thermal Treatment applications for Industrial Facilities Exemption Certificate for twelve (12) years on personal property and hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the application to the State Tax Commission; and

BE IT FURTHER RESOLVED that ALD Thermal Treatment, 2656 - 24th Street, Port Huron, Michigan, 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 personal property:
12/31/07 to 12/31/09 (2 years - 100% abatement)
12/31/07 to 12/31/19 (12 years - 50% abatement)

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

Adopted.

***R-6.** WHEREAS, a 21-member Beautification Commission was established at the City Council meeting of December 9, 1985; and

NOW, THEREFORE, BE IT RESOLVED that Jean Webb is hereby reappointed to the Beautification Commission for a three year term to expire on January 30, 2010; and

BE IT FURTHER RESOLVED that Norman Langolf and Deborah Lemke are hereby appointed as life members after serving for ten years.

Adopted.

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

WHEREAS, the City Manager has issued Temporary Traffic Control Order No. 1183 effective March 6, 2007, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

LINCOLN AVENUE - There will be a "NO PARKING TOW-AWAY ZONE" on the north and south side of Lincoln Avenue from Pine Grove Avenue to the St. Clair River. Vehicles found parked in this area may be towed immediately.

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.

Motion rejected by the following vote:

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

AT THIS POINT, Mayor Cutcher asked Bob Clegg, City Engineer, to go over the details of his memo to City Council which addressed the 7th Street Bridge additional design costs, per the request of Councilmember Sample-Wynn at the April 9, 2007, meeting.

8-9. Councilmember Neal offered and moved the adoption of the following resolutions:

R-8. WHEREAS, there has been a contract (#07-5054) prepared between the City of Port Huron and the Michigan Department of Transportation (MDOT) for the bridge rehabilitation work for the structure B01 of 77-20-29, which carries 7th Street over the Black River, including structural, geotechnical, electrical, mechanical, and minor approach work; and all together with necessary related work; and

WHEREAS, the City of Port Huron has secured Safe, Accountable, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) subtitle G High Priority Project funding; and

WHEREAS, the City of Port Huron has secured SAFETEA-LU, Federal Discretionary Bridge funding; and

WHEREAS, the City of Port Huron has secured Federal Highway Bridge Replacement and Rehabilitation Program funding; and

WHEREAS, the City of Port Huron has secured State Local Jobs Today Grant funding; and

WHEREAS, the City of Port Huron has secured Sate Local Bridge funding; and

WHEREAS, the total estimated eligible cost of $9,792,700 is to be shared as follows:

Federal High Priority Project Funding	$4,327,250
Federal Discretionary Bridge Funding	$ 427,500
Federal Highway Bridge Replacement & Rehabilitation Program Funding	$3,079,410
State Local Jobs Today Grant Funding	$1,087,500
State Local Bridge Funding	$ 871,040
	$9,792,700

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 bridge rehabilitation work for the structure B01 of 77-20-29, which carries 7th Street over the Black River, including structural, geotechnical, electrical, mechanical, and minor approach work; and all together with necessary related work; and authorizes the appropriate City officials to execute the agreement. (See City Clerk File #07-48)

R-9. WHEREAS, bridge rehabilitation work for the structure B01 of 77-20-29, which carries 7th Street over the Black River, including structural, geotechnical, electrical, mechanical, and minor approach work; and all together with necessary related work; and

WHEREAS, the City of Port Huron has secured Federal Transportation funds in the amount of $5,224,160 for fiscal year 2007 and $2,610,000 for fiscal years 2008-2010; and

WHEREAS, the City of Port Huron has secured a $1,087,500 State of Michigan Jobs Today grant to fund a portion of the project if the work is completed during the 2007 construction season; and

WHEREAS, Michigan Department of Transportation (MDOT) is offering the City a construction loan to fund the 2008-2010 award amount until the grant funds are available; and

WHEREAS, it is in the best interest of the City to accept the loan, the Michigan Jobs Today grant, and complete the project during the 2007 construction season;

NOW, THEREFORE BE IT RESOLVED that the City Council accepts the State of Michigan Jobs Today grant for bridge rehabilitation work for the structure B01 of 77-20-29, which carries 7th Street over the Black River, including structural, geotechnical, electrical, mechanical, and minor approach work; and all together with necessary related work; and hereby approves the Local Jobs Today loan contract with MDOT to cover activities until the grant funds become available and authorizes the appropriate City officials to execute the loan contract. (See City Clerk File #07-49)

Motion to adopt Resolutions 8 and 9 adopted unanimously.

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

WHEREAS, it is necessary to perform professional engineering services during construction and serve as the City's professional representative for the rehabilitation of the 7th Street Bridge; and

WHEREAS, HNTB Michigan, 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 HNTB Michigan, Inc., for professional engineering services

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with HNTB Michigan, Inc., for professional engineering services during the rehabilitation of the 7th Street Bridge and authorizes the appropriate City officials to execute the agreement (See City Clerk File #07-50).

Motion adopted by the following vote:

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

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

WHEREAS, it is necessary to perform professional engineering services during construction and serve as the City's professional representative for the rehabilitation of the 7th Street Bridge; and

WHEREAS, DLZ Michigan, 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 DLZ Michigan, Inc., for professional engineering services

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with DLZ Michigan, Inc., for professional engineering services during the rehabilitation of the 7th Street Bridge and authorizes the appropriate City officials to execute the agreement (See City Clerk File #07-51).

Motion adopted by the following vote:

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

***R-12.** 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 $1,319.35 for special trash pickup and/or snow removal upon the lots and premises described in the attached special assessment report (See City Clerk File #07-52).

Adopted.

***R-13.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special blight cleanup; and

WHEREAS, the cost for blight cleanup shall be assessed to the property owner(s) pursuant to the City of Port Huron Code of Ordinances Sections 22-53 and 40-19; and

WHEREAS, the attached special assessment report has been certified by the Planning and Community Development Director and reviewed by the City Council;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of $900.00 for blight cleanup upon the lot and premises described in the attached special assessment report (see City Clerk File #07-53).

Adopted.

R-14. Councilmember Neal offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron owns a 50' x 121.02' vacant lot adjacent to 2922 - 26th Street; and

WHEREAS, an offer to purchase the lot has been received from the adjacent property owner, Fred Gray; and

WHEREAS, after careful review, it has been determined the City of Port Huron has no need for the property;

NOW, THEREFORE, BE IT RESOLVED that the appropriate City Officials are hereby authorized to sell the following described property to Fred Gray for Three Thousand and No/Dollars ($3,000,00):

Lot 20, Block 6, Factory Land Company's Plat No. 4, including south one-half and west one- half of vacated alleys adjacent, City of Port Huron, St. Clair County, Michigan.

Adopted unanimously.

R-15. Councilmember Fisher offered and moved the adoption of the following resolution:

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

Lots 180 and 181, 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: 2612 Armour Street, City of Port Huron, St. Clair County, Michigan,

has been brought to the attention of the City Council by the Building Official as Code Case #07-002 (See City Clerk File #07-44) 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 April 9, 2007, with respect to said property, it is the judgment of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, Section 10-211 and Chapter 34, Section 34-3 of the Code of Ordinances of the City of Port Huron;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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

2. 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 is 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-16.** WHEREAS, the City Council has received and considered the attached Preliminary Code Enforcement Report for Code Case #06-001, 1802 Martin Avenue (see City Clerk File # 07-54) 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:

Lots 1 and 2, Block 2, Homeland Plat, also known as: 1802 Martin 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 May 14, 2007, 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-17.** WHEREAS, the tentative budget for 2007-2008 (City Clerk File #07-55) has been prepared;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for Monday, May 14, 2007, at 7:30 p.m. in the Public Meeting Room, Municipal Office Center, to hear comments from interested citizens about the proposed budget; and

BE IT FURTHER RESOLVED that the City Clerk is hereby instructed to have copies of this proposed budget available for review by the public and to publish notice of said hearing at least one week in advance of May 14, 2007.

Adopted.

***R-18.** WHEREAS, the Capital Improvement Program for 2007-2008 through 2011-2012 (see City Clerk File #07-56) has been prepared;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for Monday, May 14, 2007, at 7:30 p.m., in the Public Meeting Room, Municipal Office Center, to hear comments from interested citizens about the proposed Capital Improvement Program; and

BE IT FURTHER RESOLVED that the City Clerk is hereby instructed to have copies of this proposed Capital Improvement Program available for review by the public and to publish notice of said hearing at least one week in advance of May 14, 2007.

Adopted.

ORDINANCES

O-1. Councilmember Sample-Wynn moved that an ordinance introduced April 9, 2007, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1278

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAPS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY LOCATED IN THE BLOCK BOUND BY 8TH, 7TH, OAK AND GRISWOLD STREETS FROM C-1 (GENERAL BUSINESS 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 by changing the following area from C-1 (General Business District) to A-1 (Medium Density Multiple Family District):

the south 8.3 feet of Lot 19, Block 32, White Plat, City of Port Huron.

Pauline M. Repp, MMC
City Clerk

ADOPTED: 04/23/07
PUBLISHED: 04/28/07
EFFECTIVE: 04/28/07

Adopted unanimously.

MOTIONS & MISCELLANEOUS BUSINESS

1. Councilmember Fisher announced that the brick structure in Port Huron at the corner of 7th and Union is featured in the May issue of “This Old House” magazine.

On motion (10:20 p.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

(Page intentionally left blank)

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, May 14, 2007, 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, Neal and Sample-Wynn.

The minutes of the regular meeting of April 23, 2007, and the special meeting of April 19, 2007, were approved.

PUBLIC HEARINGS

1. The Mayor announced that this was the time to hear comments on the proposed operating budget for fiscal year 2007-08.

Ken Harris, 1521 Wells Street, appeared suggesting that Council go back and look anew and reduce mandated services by 5% and non-mandated services by 10%.

The Mayor declared the hearing closed.

2. The Mayor announced that this was the time to hear comments on the proposed capital improvement program for fiscal years 2007-08 through 2011-12.

No one appeared to be heard.

The Mayor declared the hearing closed.

3. The Mayor announced that this was the time to hear comments on the proposed Port Huron Downtown Development Authority budget for fiscal year 2007-08.

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 Code Case #06-001, 1802 Martin 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 #18)

John Livesay, City Attorney, presented the facts.

Khalil Chaudry, 1102 Howard Street, owner of the property, distributed information about what he has accomplished to date (see City Clerk File #07-57) and requested that he be given additional time to complete rehabilitation.

The Mayor declared the hearing closed.

PRESENTATIONS

1. Bob Clegg, City Engineer, gave a presentation on the Thomas Edison Depot roof replacement and why the cost was more than a comparably-sized building (because of historical features).

PUBLIC AUDIENCES

1. Ken Harris, 1521 Wells Street, addressed the City Council questioning Resolution No. 20 and whether this contract with Tetra Tech was additional or part of what had already been spent.

2. Russ Kelly, 928 Huron Avenue, addressed the City Council stating that the final coat of blacktop is now in their neighborhood and he would like to thank Bob Clegg and Angela Maraldo in the Engineering Department and Raymond Construction for their cooperation. He stated that he welcomes people driving through their neighborhood but would like them to slow down and he would like Council to come up with a solution for this.

3. Kristin Jurs, 408 Stanton Street, addressed the City Council reaffirming what was stated by Mr. Kelly and thanking Bob Clegg and Raymond Construction for their handling of the project. She stated that she appreciated the opportunity given the neighbors for public input.

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:

- Sign up for the Community Roundtables that will be held the week of June 11 and the week of June 25. Participation in this important CSO funding issue is encouraged. Visit www.porthuron.org or call the City Clerk's Office at 984-9725.
- May 27-28: Annual Feast of the Ste. Claire, Pine Grove Park
- May 28: Memorial Day Parade, Quay Street to Pine Grove Park
- June 2: Be A Tourist in Your Own Town
- Visit www.ph150.org for details about Port Huron's Sesquicentennial celebration.

FROM THE CITY MANAGER

CM-1. Councilmember McCulloch offered and moved the City Manager's report be received and filed:

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, 2007. (See City Clerk File # 07-58).

Adopted unanimously.

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

On May 1, 2007, the City of Port Huron received three (3) unit price bids for the estimated annual consumption of 358,000 wet lbs. of sodium hydroxide for the Water Reclamation Facility:

K. A. Steel Chemicals	$0.0547 per wet lb.
PVS-Nolwood Chemicals, Inc.	$0.0674 per wet lb.
Alexander Chemicals	$0.0790 per wet lb.

It is recommended that the bid of K. A. Steel Chemicals, 15185 Main Street, Lemont, IL 60439, in the amount of $.0547 per wet lb., F.O.B., be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

RESOLUTIONS

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

BE IT RESOLVED that the Finance Director is hereby authorized to pay the attached payments. (See City Clerk File #07-01)

Adopted unanimously.

***R-2.** WHEREAS, under the Provisions of Chapter 18 of the School Code of 1955 of the State of Michigan, as amended, school districts and various governmental units are authorized to cooperate in establishing and operating public recreation systems; and

WHEREAS, it is the desire of the City of Port Huron and the Port Huron Area School District (PHASD) to enter into such an agreement, as authorized by the aforesaid statute, to cooperate with each other in furthering and improving the public recreation system being operated by the City in the PHASD; and

WHEREAS, the PHASD agrees to provide the necessary school buses and drives for transportation purposes required in the operation of the City's public recreation system during the summer months while schools are closed for the summer recess and/or to make available school playgrounds and buildings, by mutual agreement, as may be required for the operation of such public recreation system; and

WHEREAS, the City agrees to reimburse the PHASD for transportation costs incurred, as well as custodial costs, plus any additional actual cost of utilities, supplies and/or materials; and

WHEREAS, the City agrees to save harmless and indemnify PHASD from any and all liabilities, claims and costs incident thereto, arising out of the use of the playgrounds and buildings under the terms of this agreement;

NOW, THEREFORE BE IT RESOLVED that the City Council hereby approves the attached agreement with the Port Huron Area School District for the use of school buses for transporting children in the City's public recreation program and/or the use of the playgrounds and buildings during the summer months while schools are closed for the summer recess and authorizing the appropriate City officials to execute said agreement. (See City Clerk File #07-59)

Adopted.

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

WHEREAS, the State of Michigan offers a new type of on-premises liquor license pursuant to PA 501 of 2006, specifically Section 521a(1) (b) ("Development Authority Districts") of the Michigan Liquor Control Code of 1998, being MCL 436.152a(1) (b) ;and

WHEREAS, the Port Huron City Council has received a request for their support of an application for a license under Section 521a (1) (b) from Harris Restaurants, Inc. (DBA Casey's Pizza and Sub Shop) 628 Huron Avenue, Port Huron, Michigan, which is located within the boundaries of the City's Downtown Development Authority; and

WHEREAS, the total amount of private and public investment in real and personal property in the development district totals well over $200,000 for the proceeding 5 years; and

WHEREAS, Harris Restaurants, Inc. (DBA Casey's Pizza and Sub Shop) is engaged in dining, entertainment, or recreation, and is open to the general public and has a seating capacity of more than 50 persons; and

WHEREAS, it is the intention of the City Council to prevent further deterioration within the development district and promote economic growth;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby supports and recommends that the Michigan Liquor Control Commission "approves above all others" the application of Harris Restaurants, Inc., (DBA Casey's Pizza and Sub Shop) 628 Huron Avenue, Port Huron, for an on premises liquor license issued pursuant to PA 501 of 2006, Section 521a (1) (b).

Adopted unanimously.

***R-4.** WHEREAS, the City Manager has issued Temporary Traffic Control Order No. 1175 effective March 20, 2007, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

GRAND RIVER AVENUE - There shall be NO PARKING on the south side of Grand River Avenue from Quay Street to Huron Avenue except for the following designated metered parking zone:

a) There shall be a metered parking zone starting 69 feet east of the apex of Quay Street continuing for a distance of 101 feet.
b) There shall be a metered parking zone starting 194 feet east of the apex of Quay Street continuing for a distance of 118 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.

5-7. Councilmember Sample-Wynn offered and moved the adoption of the following resolutions:

R-5. WHEREAS, the City Manager has issued Temporary Traffic Control Order No. 1176 effective March 20, 2007, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

FORT STREET - Fort Street shall be one-way southbound from Stanton Street to Glenwood Avenue.

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

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

R-6. WHEREAS, the City Manager has issued Temporary Traffic Control Order No. 1177 effective March 20, 2007, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

MERCHANT STREET - Merchant Street shall be one-way northbound from Glenwood Avenue to Stanton 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 Statues of this State, as well as the Charter, Ordinances, and Resolutions of the City of Port Huron.

R-7. WHEREAS, the City Manager has issued Temporary Traffic Control Order No. 1178 effective March 20, 2007, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

PINE GROVE PARK DRIVE - Pine Grove Park Drive shall be one-way eastbound from Pine Grove Avenue to Michigan 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 Statues of this State, as well as the Charter, Ordinances, and Resolutions of the City of Port Huron.

Councilmember Neal requested division of the question.

Motion to adopt Resolutions 5 and 6 adopted unanimously.

Motion to adopt Resolution 7 adopted by the following vote:

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

***R-8.** WHEREAS, the City Manager has issued Temporary Traffic Control Order No. 1179 effective March 20, 2007, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

SUPERIOR MALL - Superior Mall shall be one-way southbound from McMorran Boulevard to Grand River Avenue.

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

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

Adopted.

***R-9.** WHEREAS, the City Manager has issued Temporary Traffic Control Order No. 1181 effective March 20, 2007, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

SUPERIOR MALL - There shall be NO PARKING, STANDING OR STOPPING on either side of Superior Mall from McMorran Boulevard to Grand River Avenue except "merchant deliveries only" are allowed on the east side.

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

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

Adopted.

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

WHEREAS, the City Manager has issued Temporary Traffic Control Order No. 1187 effective March 22, 2007, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

McMORRAN BOULEVARD - There shall be POLICE PARKING ONLY on the north side of McMorran Boulevard for a distance of 117 feet west of the west curb of Merchant 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 Statues of this State, as well as the Charter, Ordinances, and Resolutions of the City of Port Huron.

Rejected unanimously.

***R-11.** WHEREAS, it is anticipated that there will be no need to hold the second meeting in the month of July;

NOW, THEREFORE, BE IT RESOLVED that the City Council:

a) Suspends its rules and procedures for the regular meeting of July 23, 2007; 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 July 23, 2007, will not be held.

Adopted.

***R-12.** WHEREAS, the City of Port Huron owns property in the block bounded by vacated Dixon Street to the south, 24th Street to the West, Grand Trunk railroad right-of-way to the north, and vacated 21st Street to the east, legally described as:

the public utility easement in all of that part of the platted right-of-way (66 feet) of vacated 23rd Street from the north right-of-way line of Dixon Street to the north line of the Dixon Plat, said street being adjacent to Blocks 1 and 3, Dixon Plat, as recorded in Liber 16 of Plats, Page 159, St. Clair County Register of Deeds Office, City of Port Huron; and

WHEREAS, on May 1, 2007, 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 (9 ayes; 0 nays; 0 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 June 11, 2007, to hear comments on the proposed vacation of the above-described public utility easement.

Adopted.

***R-13.** WHEREAS, on April 9, 2007, the Port Huron City Council was presented a resolution to adopt the 2007-2011 Parks and Recreation Plan (Resolution #11); and

WHEREAS, it has come to our attention that the public review and comment period for review of the plan should have been 30 days; and

WHEREAS, in order for the plan to be approved by the Michigan Department of Natural Resources, the April 9, 2007, resolution approving the plan needs to be rescinded so that a necessary 30-day public review and comment period can be held;

NOW, THEREFORE, BE IT RESOLVED that Resolution #11, April 9, 2007, which adopted the 2007-2011 Parks and Recreation Plan, is hereby rescinded in order to provide a 30-day public review and comment period before the final plan is adopted.

Adopted.

***R-14.** WHEREAS, the City of Port Huron's existing five-year Parks and Recreation Plan expired in 2006; and

WHEREAS, to begin the process of updating a new five-year plan, a survey was randomly sent to City residents to receive their views and opinions of the parks and recreation facilities and programs; and

WHEREAS, City administration has prepared a draft of a new Parks and Recreation Plan taking into consideration the survey results and staff recommendations for changes and improvements; and

WHEREAS, the Michigan Department of Natural Resources (MDNR) offers various grant opportunities to communities that have a comprehensive parks and recreation plan approved by the agency in order to be eligible for state and federal recreation grant programs; and

WHEREAS, before adoption of the five-year Parks and Recreation Plan, the MDNR requires that the City hold a public hearing to hear input and comments from citizens on the proposed plan and requires a 30-day public review and comment period;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for June 25, 2007, to hear input and comments from citizens on the draft 2007-2011 Parks and Recreation Plan;

BE IT FURTHER RESOLVED that the City Clerk shall publish notice of said public hearing in the newspaper at least one week prior to the date of the public hearing and shall have copies of the plan available in the City Clerk's Office and other applicable locations for public review.

Adopted.

***R-15(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 2007-2008 fiscal year, a description of the assessment district, and his recommendation as to what portion of the cost should be paid by special assessment and what portion, if any, should be a general expense of the City, and the lands which should be included in the special assessment district.

2. The foregoing special report, as soon as completed, shall be presented to the City Council.

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

Adopted.

***R-15(b).** WHEREAS, in accordance with the City Council resolution dated May 14, 2007, 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 2007-2008 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 #07-60).

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 2007-2008 fiscal year is estimated to be $40,000.00, all of which shall be spread over the special assessment district as hereinafter described, and none of which shall be paid as a general expense of the City.

Adopted.

***R-15(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 2007-2008 fiscal year is estimated to be $40,000.00, all of which shall be spread over the special assessment district as hereinafter described, and none of which shall be paid as a general expense of the City, and the aforesaid report of the City Manager is hereby approved.

3. Said special assessment district is tentatively designated as all of the lots and parcels of land described as follows:

Along Huron Avenue from the north side of Black River to the south side of McMorran Boulevard.

4. The report of the City Manager shall be placed on file in the office of the City Clerk where the same shall be available for public examination.

5. The City Assessor shall prepare a special assessment roll spreading that portion of the cost of maintaining the aforesaid streetscape improvements to be borne by the special assessment district against said district according to the benefits received, in conformity with the provisions of the Special Assessment Ordinance of the City and the City Charter. As soon as said roll is prepared, the City Assessor shall file the same with the City Council.

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

Adopted.

***R-15(d).** WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the cost of maintaining streetscape improvements more particularly hereinafter described to the properties specially benefitted by the operation of said public improvements, and the same has been presented to the Council;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll shall be filed in the office of the City Clerk for public examination and shall be open to public inspection for a period of seven (7) days before the hearing hereinafter provided for.

2. The City Council shall meet at the Municipal Office Center, Port Huron, Michigan, at 7:30 p.m. on May 29, 2007, 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 2007-2008 fiscal year, a descriptions of the assessment districts and other pertinent information and has caused a special assessment roll to be prepared and this report and special assessment roll are on file in the office of the City Clerk and are available for public examination.

Take Further Notice that the City Council will meet on May 29, 2007, at 7:30 p.m., at the Municipal Office Center in the City of Port Huron for the purpose of hearing interested persons on the maintenance costs of the streetscape improvements, the composition of said district and for the purpose of reviewing said special assessment roll.

Take Further Notice that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if any appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by 4:30 p.m. on May 29, 2007, 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-16. Councilmember Sample-Wynn offered and moved the adoption of the following resolution:

UNIFORM RESOLUTION ADOPTING THE MERS RETIREE HEALTH FUNDING VEHICLE

WHEREAS, on December 8, 2003, the City Council of the City of Port Huron established a public employee health care fund under PA 149 of 1999, designated as the Post Employment Health Care Fund, for the purpose of accumulating funds to provide for the funding of health care benefits to retirees and beneficiaries of retirees of the City.

WHEREAS, the City Council of the City of Port Huron further provided that continued funding of the Post Employment Health Care Fund would be accomplished by contributions by the City of a percentage of annual payroll as recommended by the City's actuaries; that withdrawals from the Fund be solely for the payment of health care benefits on behalf of qualified persons and the payment of administration of the Fund.

WHEREAS, it is the recommendation of the City's actuaries, Gabriel, Roeder, Smith, and the City's auditors, Plante and Moran, that the City establish procedures for the funding of future retiree health care benefits during the employment period which would be similar to pension financing procedures, including establishing annual contributions and an appropriate investment vehicle, in order to reduce the costs of such benefits.

WHEREAS, the Municipal Employees' Retirement System ("MERS") Plan Document of 1996, effective October 1, 1996, authorized the Municipal Employees' Retirement Board ("Board") to establish additional programs including but not limited to defined benefit and defined contribution program (MERS Plan Document Section 36(2)(a)); and the Municipal Employees Retirement Act of 1984, Section 36(2)(a) as amended by 1996 PA 220, MCL 38.1536(2)(a));

WHEREAS, the Board has previously authorized MERS' establishment of a retiree health funding vehicle ("RHFV" or "Program"), which a participating municipality or court, or another eligible public employer that is a political subdivision of the State which constitutes a "municipality" under MERS Plan Document Section 2B(4); MCL 38.1502b(2) ("Eligible Employer"), may adopt for its Eligible Employees;

WHEREAS, MERS has been determined by the Internal Revenue Service to be a tax-qualified "governmental plan" and trust under section 401(a) of the Internal Revenue Code of 1986, and all trust assets within MERS reserves are therefore exempt from taxation under Code section 501(a) (IRS Letter of Favorable Determination dated June 15, 2005).

WHEREAS, the Board has established a governmental trust under Section 115 of the Internal Revenue Code (the "Trust Fund") to hold the assets of the RHFV, which Trust Fund shall be administered under the discretion of the Board as fiduciary, directly by (or through a combination of) MERS or MERS' duly-appointed Program Administrator;

WHEREAS, 1999 PA 149, the Public Employee Health Care Fund Investment Act, MCL 38.1211 *et seq.* ("PA 149") provides for the creation by a public corporation of a public employee health care fund, and its administration, investment, and management, in order to accumulate funds to provide for the funding of health benefits for retirees and beneficiaries;

WHEREAS, a MERS health care trust fund constitutes a governmental trust established by a public corporation ("municipality") as an Eligible Employer, provided that all such employers shall be the State of Michigan, its political subdivisions, and any public entity the income of which is excluded from gross

income under Section 115 of the Internal Revenue Code; provided further, that the health care trust shall not accept assets from any defined benefit health account established under Section 401(h) of the Internal Revenue Code;

WHEREAS, the Board acts as investment fiduciary for the pooled assets of each MERS participating municipality and court enrolled in MERS defined benefit programs, Health Care Savings Program, the Retiree Health Funding Vehicle, and the Investment Services Pool Program, on whose behalf MERS performs all plan administration and investment functions, and such participating municipalities and courts have full membership, representation and voting rights at the Annual Meeting as provided under Plan Section 45; MCL 38.1545.

WHEREAS, the Board also acts as investment fiduciary for those participating employers who are non-MERS participating municipalities and courts that have adopted the MERS Health Care Savings Program, Retiree Health Funding Vehicle, or Investment Service Pool Program, and such entities are not accorded membership, representation or voting rights provided to MERS participating municipalities and courts at the Annual Meeting under Plan Section 45; MCL 38.1545.

WHEREAS, adoption of this Uniform Resolution (the "Uniform Resolution") by the Eligible Employer is necessary and required in order that the benefits available under the MERS Retiree Health Funding Vehicle may be extended;

WHEREAS, this Uniform Resolution has been approved by the Board under the authority of 1996 PA 220, MERS Plan Document Section 36(2)(a), MCL 38.1536(2)(a), declaring that the Board "shall determine . . . and establish" all provisions of the retirement system. The MERS RHFV shall not be implemented with respect to any Eligible Employer unless in strict compliance with the terms and conditions of this Resolution, the Trust Document, and Trust Agreement.

- It is expressly agreed and understood as an integral and nonseverable part of extension or continuation of coverage under this Uniform Resolution Adopting MERS Retiree Health Funding Vehicle that Section 43B of the MERS Plan Document shall not apply to this Uniform Resolution, its administration or interpretation.

- In the event any alteration of the language, terms or conditions stated in this Uniform Resolution Adopting MERS Retiree Health Funding Vehicle is made or occurs, under MERS Plan Document Section 43B or other plan provision or other law, it is expressly recognized that MERS and the Board, as fiduciary of the MERS Plan and its trust reserves, and whose authority is nondelegable, shall have no obligation or duty: to administer (or to have administered) the MERS RHFV or its Trust Fund; or to continue administration.

NOW, THEREFORE, BE IT RESOLVED that the governing body adopts the MERS PA 149 Health Care Trust Fund as provided below:

SECTION 1. MERS RHFV PROGRAM

EFFECTIVE May 14, 2007, the MERS Retiree Health Funding Vehicle is hereby adopted by the City of Port Huron (Eligible Employer).

CONTRIBUTIONS shall be made only by the Eligible Employer, remitted to MERS by the Eligible Employer, and credited to the Eligible Employer's separate fund within the trust sub-fund for MERS RHFV. As this Plan is funded solely by employer, on a cash or actuarial basis as determined by the employer, there is no requirement for a Participation Agreement establishing the schedule of contributions.

INVESTMENT of funds accumulated and held in the Fund shall be held in a separate reserve and invested on a pooled basis by MERS subject to the Public Employee Retirement System Investment Act ("PERSIA"), 1965 PA 314, as provided by MERS Plan Document Section 39; MCL 38.1539, and PA 149.

THE ELIGIBLE EMPLOYER shall abide by the terms of MERS RHFV, including all investment, administration, and service agreements, and all applicable provisions of the Code and other law. It is affirmed that no assets from any defined benefit health account established under Section 401(h) of the Internal Revenue Code shall be transferred to, or accepted by, MERS.

SECTION 2. IMPLEMENTATION DIRECTIONS FOR MERS AS RHFV INVESTMENT FIDUCIARY AND TRUSTEE

(A) The governing body of this Eligible Employer desires that all assets placed in its MERS RHFV (as a sub-fund within all pooled Trust Funds with MERS) be administered by MERS, which shall act as investment fiduciary with all powers provided under Public Employee Retirement System Investment Act, PA 149, all applicable provisions of the Internal Revenue Code and other relevant law.

(B) The governing body desires, and MERS upon its approval of this Resolution agrees, that all funds accumulated and held in the MERS RHFV Trust Fund shall be invested and managed by MERS within the collective and commingled investment of all funds held in trust for all Eligible Employers.

(C) All monies in the MERS RHFV Trust Fund (and any earnings thereon, positive or negative) shall be held and invested for the sole purpose of paying health care benefits for the exclusive benefit of "Eligible Employees" who shall constitute "qualified persons" who have retired or separated from employment with the Eligible Employer, and for any expenses of administration, and shall not be used for any other purpose, and shall not be distributed to the State.

(D) The Eligible Employer will fund its MERS RHFV Trust sub-fund to provide funds for health care benefits for "Eligible Employees" who shall constitute "qualified persons." P articipation in and any coverage under RHFV shall not constitute nor be construed to constitute an "accrued financial benefit" under Article 9 Section 24 of the Michigan Constitution of 1963, nor shall any contribution method for Eligible Employer funding other than "pay as you go" cash funding be required or imposed, and all benefits, rights, and obligations conferred by or arising under RHFV shall be as provided under the RHFV documents.

(E) The Eligible Employer generically designates the following groups of persons as "Eligible Employees" who shall constitute "qualified persons," to receive retiree health care benefits subsidized under the MERS RHFV trust sub-fund:

Union and Non Union Employees and their Spouses -
Subject to Specific Requirements
Currently in Place or as may be Subsequently Adopted

(F) The Director of Finance shall be the Eligible Employer's RHFV Coordinator; shall direct payment of fund monies for the benefit of the Eligible Employees identified in (E) under any MERS (or non-MERS) retiree health care benefit program, including, but not limited to, MERS HCSP, or MERS Premier Health; make investment allocations of the Employer's sub-trust fund within MERS-approved portfolios; receive necessary reports, notices, etc.; shall act on behalf of the Eligible Employer; and may delegate any administrative duties relating to the Fund to appropriate departments.

(G) Fees and Expenses for the MERS RHFV are contained in Addendum A of Attachment 1 to this Resolution. (Restated MERS Trust Agreement - See City Clerk's File # 07- 61)

SECTION 3. IMPLEMENTATION DIRECTIONS
FOR CITY OF PORT HURON

The City Council of the City of Port Huron hereby authorizes the appropriate City officials to execute any necessary documents.

SECTION 4. EFFECTIVENESS OF THIS RESOLUTION

This Resolution shall have no legal effect until a certified copy of this adopting Resolution shall be filed with MERS, and MERS determines that all necessary requirements under MERS Plan Document Section 36(2)(a), 1999 PA 149 and other relevant laws, and this Resolution have been met. Upon MERS' determination that all necessary documents have been submitted, MERS shall record its formal approval upon this Resolution, and return a copy to the Eligible Employer's RHFV Coordinator as identified above.

In the event an amendatory resolution or other action by the Eligible Employer is required by MERS, such Resolution or action shall be deemed effective as of the date of the initial Resolution or action where concurred in by this governing body and MERS (and the Program Administrator if necessary). Section 54 of the MERS Plan Document shall apply to this Resolution and all acts performed under its authority. The terms and conditions of this Resolution supersede and stand in place of any prior resolution, and its terms are controlling.

Adopted unanimously.

R-17. Councilmember Neal offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron owns a .9 acre vacant lot adjacent to 3111 Electric Avenue; and

WHEREAS, an offer to purchase the lot has been received from the St. Clair County Community Mental Health (SCCCMH) for combination with the property at 3111 Electric Avenue; and

WHEREAS, the SCCCMH plans to remodel and expand the existing building at 3111 Electric Avenue and relocate all of their facilities to the City of Port Huron; and

WHEREAS, after careful review, it has been determined the City of Port Huron has no need for the property;

NOW, THEREFORE, BE IT RESOLVED that the appropriate City Officials are hereby authorized to enter into a purchase agreement (see City Clerk File #07-62) to sell the following described property to St. Clair County Community Mental Health for Twenty-Six Thousand and No/Dollars ($26,000,00):

that part of Outlot B lying south of the south line of Cleveland Avenue except the east 670 feet of Assessor's Military Street Plat Number 3, City of Port Huron, St. Clair County, Michigan.

Adopted unanimously.

R-18. Councilmember Neal offered and moved to postpone action on the following resolution until June 11, 2007:

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

Lots 1 and 2, Block 2, Homeland Plat, also known as: 1802 Martin Avenue, City of Port Huron,

has been brought to the attention of the City Council by the Building Official as Code Case #06-001 (see City Clerk File #07-54) 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 April 23, 2007, with respect to said property, it is the judgment of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, Section 10-211 and Chapter 34, Section 34-3 of the Code of Ordinances of the City of Port Huron;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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

2. 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 is 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-19.** WHEREAS, the Community Development Division of the City of Port Huron has requested to schedule a public hearing on May 29, 2007, to hear comments on the Consolidated Annual Performance Evaluation Report (CAPER) for the program year 2006 (04/01/06 - 03/31/07); and

WHEREAS, the Community Development Division must report to the U. S. Department of Housing and Urban Development all 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 22, 2007, for public viewing and written comments for a period of at least fifteen days; and

WHEREAS, the report will be submitted to the U. S. Department of Housing and Urban Development after City Council approval on Monday, June 11, 2007, after all comments are considered;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron hereby schedules a public hearing for Tuesday, May 29, 2007, to hear comments on the Consolidated Annual Performance Evaluation Report (CAPER).

Adopted.

R-20. Councilmember Neal 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 of Michigan PC 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 of Michigan PC and authorizes the appropriate City officials to execute the agreement (see City Clerk File #07-63).

Adopted unanimously.

***R-21.** 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 $177.25 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk File #07-64).

Adopted.

***R-22.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special removal of blighting factors; and

WHEREAS, the cost for removing blight conditions shall be assessed to the property owner(s) pursuant to the City of Port Huron Code of Ordinances Sections 22-53 and 40-19; and

WHEREAS, the attached special assessment report has been certified by the Planning and Community Development Director and reviewed by the City Council;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of $1,495.02 for removal of blighting factors upon the lots and premises described in the attached special assessment report (see City Clerk File #07-65).

Adopted.

***R-23.** WHEREAS, Domtar Industries, Inc., 1700 Washington Avenue, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for Tuesday, May 29, 2007, in order to hear comments on the application of Domtar Industries, Inc., for an Industrial Facilities Exemption Certificate; and

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

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

Adopted.

MOTIONS & MISCELLANEOUS BUSINESS

***R-1.** On January 28, 2002, the City Council requested that a program be developed to encourage student participation in various City boards and commissions. Since that time, a number of students from Port Huron High School and Port Huron Northern High School have participated.

The boards and their student volunteers for the past year/s are listed as follows:

Board	Student and School
Downtown Development Authority	Taylor Carpenter, PHHS
Housing Commission	Rachna Reddy, PHN
McMorran Auditorium Authority	Heather Krestick, PHHS
Planning Commission	Joe Grant, PHN
Traffic Study Commission	Rachel Smith, PHHS
Zoning Board of Appeals	Joe Shevnock, PHN

The majority of the students have been participatory and have attended meetings regularly. Rachel Smith, Heather Krestick and Taylor Carpenter are seniors this year and will need to be replaced; and Rachna Reddy needs to be replaced for non-attendance. Port Huron Area School District will be notified. As in the past, plans are to present the graduating students with Certificates of Recognition at the regular City Council meeting of May 29, 2007.

Received and filed.

2. Councilmember Fisher presented a clip from "This Old House" television show, which featured 1304 - 7th Street.

3. Councilmember Sample-Wynn stated that First Night is still looking for an artist to design their button for this year's event and that the deadline is June 1, 2007, for submission.

4. Councilmember McCulloch stated the choir sponsored by many local churches that will be performing at the Sesquicentennial Birthday Party on June 30 is still looking for participants and that practices are on Saturdays at Colonial Woods Missionary Church and Pastor Bruce can be contacted for details.

On motion (9:10 p.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

Special meeting of the City Council of the City of Port Huron, Michigan, held Tuesday, May 22, 2007, at 8:00 a.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order at 8:30 a.m. by Mayor Cutcher.

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

MOTIONS & MISCELLANEOUS BUSINESS

Mayor Cutcher complimented the City Manager and staff on preparation of budget.

Karl Tomion, City Manager, stated that each department head would present their department's budget outlining any ways that they have reduced expenses and following each presentation the Council would have the opportunity to go through the budget notebook section for the particular department for comments and questions. There were no objections to this process.

1. General Fund Revenues. John Ogden gave an overview of the expected revenues and prior revenue trends in the general fund (See City Clerk File #07-66). Discussion was held on capture of tax increment taxes; Proposal A and its effects on the taxable value of property as compared to market value; City income tax and whether it deters growth in the city; property tax rate in the city versus township; revenue sharing; whether potential sale of Grandview Tower was figured into the budget; need for better paying jobs for college educated people; casino; and need to bring back people and neighborhoods.

AT THIS POINT, (10:20 a.m.), Council recessed. Resumed at 10:30 a.m.

2. Finance Department. John Ogden presented the budget for the Finance Department which includes Accounting and Control, Assessing, Data Processing, Income Tax, Treasurer and Water Office (see City Clerk File #07-67). Discussion was held on possibility of payments online; putting assessing records online; privatization of data processing; how costs for Data Processing for each department are computed; replacement of Data Processing Manager who is retiring at the end of June; reduction of additional employees in Data Processing due to retirements and not replacing; cost effectiveness of offering retirement incentives; possibility of a service center where customers can deal with one person rather than moving from counter to counter; redesigning space allocations to certain departments (City Manager stated that we need to make temporary repairs to the building but will look at space allocations and agreed that the police department needs better access; possibility of allocating parking enforcement officer to DDA budget.

AT THIS POINT, (12:00 noon) Council recessed. Resumed at 12:05 p.m.

3. Police Department. Police Chief William Corbett presented the budget for the Police Department (see City Clerk File #07-68). Discussion held on response capabilities and need for specialized training, whether need the Community Services Officer and DARES officer or could they be combined, whether need the Animal Control Officer, Central Dispatch and what would be involved if the City joined and who would run it, 911 telephone tax, August millage vote, large percentage of general fund spent on public safety and why we are more than other similar cities.

At this point, a discussion ensued as to what Council's charge was for the budget review process and whether cuts needed to be made now or wait for the roundtable process to be complete. Council discussed eliminating one position from the Police Department but not a patrol officer. City Manager cautioned using percentages to reduce budget rather than weighing services following suggestion of a 5% cut. He stated that budget was prepared by maintaining services within existing revenue structure without addressing 3.5 million dollar deficit.

AT THIS POINT, Council recessed (1:30 p.m.). Resumed at 1:35 p.m.

4. Cemetery. Fire Chief Bob Eick presented the budget for the Cemeteries (see City Clerk File #07-69). He stated that he has been able to reduce staff due to less burials. Discussion on use of Macomb correctional crew to help, high cost of rental of city-owned equipment for use in the cemetery, overtime.

5. Parks & Forestry. Fire Chief Bob Eick presented the budget for Parks & Forestry (see City Clerk File #07-70). Discussion held on user charge for boat launches, tree complaints and number of calls (Chief Eick will provide data), grass cutting and whether this operation could be privatized.

6. Fire Department. Fire Chief Bob Eick presented the budget for the Fire Department (see City Clerk File #07-71). Discussion held on the different fire districts, alarm system notification changes, first responder calls, whether two stations instead of three would work, vacant positions, possibility of contracting services to Port Huron Township for areas where they are vulnerable and mechanism to have recovery of costs by insurance companies. Question asked about how many calls are made to Blue Water Bridge (Chief Eick will provide)

AT THIS POINT (2:50 p.m.), Council recessed. Resumed at 3:00 p.m.

7. Planning Department. Kim Harmer, Planning Director, presented the budget for the Planning Department including Community Development, Blight, Port Huron Neighborhood Housing Corporation, Rental Certification and Inspection (see City Clerk File #07-72). Discussion on blight enforcement and whether to hire a part time seasonal inspector to help with the higher incidents during the summer months.

8. Personnel Department. John Berry presented the budget for the Personnel Department including Health & Safety, Marinas and Recreation Department (see City Clerk File #07-73). Discussion on whether to close the Water Street marina following this season if the State does not allow us to sell/lease the facility to Acheson, usage of Palmer Park, increased recreation fees and whether recreation falls into the category of core services. Further discussion on the goal for the budget session and how it relates to the upcoming roundtables. Karl Tomion reiterated that even after the roundtables the decisions to be made are still the responsibility of the City Council. Mayor Cutcher stated that Council has a legal obligation to present a balanced budget by the end of the month, then forums will occur and in August/September Council will revisit the budget for any changes.

9. Public Works. Bob Clegg, City Engineer, presented the budget for Public Works (see City Clerk File #07-74). Discussion held on street lights, painting of the north end lower tank, motor vehicle pool and how the rental rates are determined (concerns about the high rental amounts), purchase of software to better track maintenance activities and impression that DPW workers are not fully utilizing their worktime.

10. City Clerk.. Pauline Repp, City Clerk, presented the budget for the City Clerk's Office including Elections (see City Clerk File #07-75).

11. Legal Department. John Livesay, City Attorney, presented the budget for the Legal Department (see City Clerk File #07-76).

12. City Manager's Office. Karl Tomion, City Manager, presented the budget for the City Manager's Office (see City Clerk File #07-77).

13. Miscellaneous.

a) Discussion on billing monthly for water-sewer services. Karl Tomion, City Manager, stated he will bring back a report to City Council on this with pluses and minuses.

b) Karl Tomion, City Manager, stated that he will bring back a report to City Council on pros and cons for outsourcing data processing services.

c) Councilmember Sample-Wynn moved that no vacant positions within the City be filled until after the roundtable process is complete, except for the Data Processing Manager's position.

Motion adopted unanimously.

d) Possible closing of the Water Street Marina will be discussed following roundtables.

e) City Manager to provide Palmer Park Recreation Center user data and fees.

f) Discussion on McMorran's future and fact that the extension of the Authority expires at the end of this year.

g) Discussion about the fact that City spends a million dollars a year on the Museum, Marina and McMorran and that primary services are police, fire, water, sewer, streets, etc., and balancing this during these hard financial times is part of the decision following the roundtables.

h) Discussion on public's perception that City Council has sat back while the City faces financial struggles.

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

PAULINE M. REPP, MMC
City Clerk

Regular meeting of the City Council of the City of Port Huron, Michigan, held Tuesday, May 29, 2007, 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 May 14, 2007, and the special meeting of May 22, 2007, were approved.

PRESENTATIONS

1. Certificates of Recognition were presented to the high school students who served as volunteers on various boards and commissions. None were in attendance so the certificates will be mailed.

PUBLIC HEARINGS

1. The Mayor announced that this was the time to hear comments from all persons interested in the maintenance costs of the Huron Avenue streetscape project (from the north side of Black River to the south side of McMorran Boulevard) and for the purpose of reviewing said special assessment roll. (See Resolution #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 Consolidated Annual Performance Evaluation Report (CAPER) for the Community Development Division.

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 Domtar Industries, Inc., 1700 Washington Avenue, for an Industrial Facilities Exemption Certificate. (See Resolution #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 stating that he thinks they should make adjustments to the budget and table action until July. He also suggested that Council read the U. S. News & World Report (June 4 issue) article entitled "water woes" and he questioned whether Resolution No. 10 was bid.

2. Jean Webb, 2526 Military Street, landlord, addressed the City Council saying she has dealt with the City and low income residents for 25 years and the City needs to cut expenses, cut non-essential employees, cut the blight inspector and let the other inspectors cover, stop sweeping the streets each week, down size departments, give incentives for older employees to retire, reduce employee health insurance coverage, stop paving whole street during sewer separation and give McMorran to Acheson Ventures. Also, she stated that rate increases will affect the elderly and the poor and that if City insists on raising rates there should be monthly billing and deposit for renters should be less.

3. Alice O'Neill, 807 Prospect Place, addressed the City Council thanking them for keeping their word and doing the traffic study in Pine Grove Park. Stated that she is a landlord herself and thinks there should be more inspectors for rentals, not less. Also, she stated that she thinks that Port Huron will become a wonderful baby boomer retirement community and that sometimes bad things happen and good comes out of it and referenced California bankruptcies.

4. Rodney Palmer, 2024 - 16th Street, addressed the City Council citing the declining enrollment in PHASD and stated he grew up in St. Joseph and their neighbor community of Benton Harbor turned into a ghost town due to bad management and Port Huron could end up the same. Wanted to know what there was for people his age and where is the fix and that past Councils made errors and believes the roundtables are a joke. He believes cuts need to be made and spending stopped and that streets and blight are a problem.

CONSENT AGENDA

1. 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:

- Sign up for the Community Roundtables that will be held the week of June 11 and the week of June 25. Participation in this important CSO funding issue is encouraged. Visit www.porthuron.org or call the City Clerk's Office at 984-9725.
- June 2: Be a Tourist in Your Own Town
- Visit www.ph150.org for details about Port Huron's Sesquicentennial celebration.

COMMUNICATIONS & PETITIONS

1. Councilmember Neal moved to receive and file the following communication:

From Kenneth Cummings, Tri-Hospital EMS, expressing his gratefulness for the prompt response of officers from the Port Huron Police Department to an incident he was involved with and letting the City Council know that they have an outstanding police department.

Adopted unanimously.

FROM THE CITY MANAGER

CM-1. Councilmember McCulloch 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 2006-2007 fiscal year be amended by adjusting the means of financing and adjusting the estimated requirements for the following governmental funds:

	As currently Adopted	Per proposed Amendment	Increase (Decrease)
GENERAL FUND:			
Means of financing:			
Property taxes	$ 8,325,000	$ 8,325,000	$
Income tax	6,350,000	6,200,000	(150,000)
Business licenses and permits	303,000	303,000	
Nonbusiness licenses and permits	345,000	425,000	80,000
Grants		90,000	90,000
State shared revenues	4,178,000	4,078,000	(100,000)
Charges for services	595,500	595,500	
Fines and forfeits	215,000	215,000	
Investment income	450,000	525,000	75,000
Rents	215,000	240,000	25,000
Other revenue		40,000	40,000
Sale of assets	3,000	23,000	20,000
Charges to other funds	1,720,005	1,720,005	
Transfers from other funds	80,000		(80,000)
	$ 22,779,505	$ 22,779,505	$ 0
Estimated requirements:			
General government	$ 3,654,072	$ 3,804,072	$ 150,000
Public safety	13,454,593	13,454,593	
Public works	1,853,491	1,778,491	(75,000)
Senior citizens	22,148	22,148	
Recreation, parks and culture	2,907,243	2,807,243	(100,000)
Other functions	686,658	586,658	(100,000)
Public improvements	132,000	107,000	(25,000)
Transfer to other funds	69,300	219,300	150,000
	$ 22,779,505	$ 22,779,505	$ 0
CEMETERY FUND:			
Means of financing:			
Estimated designated fund balance	$ 92,594	$	$ (92,594)
Foundations	17,100	17,100	
Graveside interments	28,800	28,800	
Chapel interments	79,600	79,600	
Other services	18,100	18,100	
Transfer from General Fund	54,000	204,000	150,000
Transfer from Cemetery Perpetual Care Fund	260,000	260,000	
	$ 550,194	$ 607,600	$ 57,406
Estimated requirements:			
Ordinary recurring expenses	$ 547,194	$ 582,600	$ 35,406
Capital outlay	3,000	25,000	22,000
	$ 550,194	$ 607,600	$ 57,406
DOMESTIC PREPAREDNESS FUND:			
Means of financing:			
Grants	$ 200,000	$ 650,000	$ 450,000
Estimated requirements:			
Ordinary recurring expenses	$ 50,000	$ 50,000	$
Capital outlay	150,000	600,000	450,000
	$ 200,000	$ 650,000	$ 450,000
ENHANCED 911 FUND:			
Means of financing:			
Estimated designated fund balance	$	$ 100,000	$ 100,000
Charges for services	237,000	237,000	
	$ 237,000	$ 337,000	$ 100,000

	As currently Adopted	Per proposed Amendment	Increase (Decrease)
Estimated requirements:			
Ordinary recurring expenses	$ 106,976	$ 106,976	$
Capital outlay	130,024	230,024	100,000
	$ 237,000	$ 337,000	$ 100,000
COMMUNITY DEVELOPMENT BLOCK GRANT FUND:			
Means of financing:			
Grants	$ 879,334	$ 1,379,334	$ 500,000
Estimated requirements:			
Ordinary recurring expenses	$ 177,866	$ 177,866	$
Capital outlay	701,468	1,201,468	500,000
	$ 879,334	$ 1,379,334	$ 500,000
HOME PROGRAM FUND:			
Means of financing:			
Grants	$ 270,141	$ 360,141	$ 90,000
Charges for services		10,000	10,000
	$ 270,141	$ 370,141	$ 100,000
Estimated requirements:			
Ordinary recurring expenses	$ 27,014	$ 27,014	$
Capital outlay	243,127	343,127	100,000
	$ 270,141	$ 370,141	$ 100,000
WATER STREET TAX INCREMENT FUND:			
Means of financing:			
Property taxes	$ 520,000	$ 520,000	$
Other income - escrow payment		550,000	550,000
	$ 520,000	$ 1,070,000	$ 550,000
Estimated requirements:			
Ordinary recurring expenses:			
Contractual services:			
Professional and other services	$ 10,000	$ 10,000	$
Transfer to Land Purchase Fund	495,000	1,045,000	550,000
Capital outlay	15,000	15,000	
	$ 520,000	$ 1,070,000	$ 550,000
BEAUTIFICATION COMMISSION:			
Means of financing:			
Estimated designated fund balance	$ 2,000	$ 5,000	$ 3,000
Miscellaneous	2,000	2,000	
Transfer from General Fund	3,300	3,300	
	$ 7,300	$ 10,300	$ 3,000
Estimated requirements:			
Ordinary recurring expenses	$ 7,300	$ 10,300	$ 3,000
LAND PURCHASE FUND:			
Means of financing:			
Estimated designated fund balance	$ 635,000	$ 1,185,000	$ 550,000
Investment income	225,000	225,000	
Rents	270,000	270,000	
Other income	50,000	50,000	
Transfer from tax increment funds	1,316,733	1,866,733	550,000
	$ 2,496,733	$ 3,596,733	$ 1,100,000
Estimated requirements:			
Ordinary recurring expense:			
Contractual services:	$ 50,000	$ 50,000	$
Transfer to MainStreet tax increment funds	114,000	114,000	
Transfer to Water Fund	600,000		(600,000)
Transfer to Wastewater Fund	1,600,000	2,200,000	600,000
Transfer to Marina Fund	75,000	1,175,000	1,100,000
Capital outlay	57,733	57,733	
	$ 2,496,733	$ 3,596,733	$ 1,100,000

	As currently Adopted	Per proposed Amendment	Increase (Decrease)
MARINA FUND:			
Means of financing:			
Estimated designated fund balance	$ 102,024	$	$ (102,024)
Charges for services	680,500	680,500	
Transfer from Land Purchase Fund	75,000	1,175,000	1,100,000
	$ 857,524	$ 1,855,500	$ 997,976
Estimated requirements:			
Ordinary recurring expenses	$ 857,524	$ 857,524	$
Estimated Fund Balance, June 30, 2007	$	$ 997,976	$ 997,976
WATER FUND:			
Means of financing:			
Estimated designated fund balance	$ 750,000	$ 1,350,000	$ 600,000
Charges for services	5,276,737	5,276,737	
Investment income	150,000	150,000	
Proceeds from issuance of long-term revenue bonds	9,140,000	9,140,000	
Reimbursement of costs from Wastewater Fund	462,385	462,385	
Transfer from Land Purchase Fund	600,000		(600,000)
	$ 16,379,122	$ 16,379,122	$ 0
Estimated requirements:			
Ordinary recurring expenses	$ 4,317,652	$ 4,317,652	$
Debt service requirements	2,600,000	2,600,000	
Capital outlay	9,461,470	9,461,470	
	$ 16,379,122	$ 16,379,122	$ 0
WASTEWATER FUND:			
Means of financing:			
Estimated designated fund balance	$ 2,600,000	$ 2,000,000	$ (600,000)
Charges for services	7,336,721	7,336,721	
Investment income	180,000	180,000	
Grants	850,000	850,000	
Reimbursements from townships	1,842,000	1,842,000	
Proceeds from issuance of long-term revenue bonds	11,795,000	11,795,000	
Transfer from Land Purchase Fund	1,600,000	2,200,000	600,000
	$ 26,203,721	$ 26,203,721	$ 0
Estimated requirements:			
Ordinary recurring expenses	$ 7,502,721	$ 7,502,721	$
Debt service requirements	5,726,000	5,726,000	
Capital outlay	12,975,000	12,975,000	
	$ 26,203,721	$ 26,203,721	$ 0

Adopted unanimously.

RESOLUTIONS

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

WHEREAS, the City Council has met after due and legal notice and heard all persons to be affected by the maintenance for the streetscape project and reviewed the special assessment roll prepared for the purpose of defraying the special assessment district's share of the maintenance for the streetscape project described as follows:

Along Huron Avenue from the north side of Black River to the south side of McMorran Boulevard; and

WHEREAS, after hearing all persons interested therein and after carefully reviewing said special assessment roll, the Council deems it advisable to proceed with said assessment and deems said special assessment roll to be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the benefits to be derived by the parcels of land assessed; and

WHEREAS, the Council has not received written objection by owners of more than one-half (1/2) of the property to be assessed;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby determines to defray the cost of maintaining the streetscape project by special assessment upon the property specially benefitted in proportion to the benefits to be derived.

2. The City Council hereby approves the estimates of cost of maintaining the aforesaid streetscape project for the 2007-2008 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 #07-60).

5. Payments on said special assessment roll shall be due and payable on or before July 1, 2007.

6. The City Clerk be and is hereby directed to endorse the date of confirmation on the roll.

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

Adopted unanimously.

***R-2.** 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 May 29, 2007, 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: 12/31/07 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 Domtar Industries, Inc., is located.

Adopted.

***R-3.** WHEREAS, a 21-member Beautification Commission was established at the City Council meeting of December 9, 1985; and

NOW, THEREFORE, BE IT RESOLVED that Laura Luttrell, Kathleen Mrozek and Tami Zimmer are hereby appointed to the Beautification Commission for three year terms to expire on January 30, 2010.

Adopted.

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

WHEREAS, Section 48-154, Water Rates and Charges, and Section 48-156, Sewer Rates, Generally, Article IV of Chapter 48 allows for water and sewer rates to be adjusted by Resolution of the City Council from time to time;

NOW, THEREFORE, BE IT RESOLVED that the commodity rate for water service be increased to $10.60 per 1,000 cubic feet and the commodity rate for sewer service be increased to $27.24 per 1,000 cubic feet; and

BE IT FURTHER RESOLVED that these rates shall become effective with all billing on or after June 30, 2007:

Water Rates:

(a) Quarterly Rates. The quarterly rates for use of water shall be as follows:

(1) Readiness-to-serve charge, based on size of water meter:

Water Readiness to Serve

Size of Meter (Inches)	City Users	Users Outside City
5/8	$ 18.24	$ 27.36
3/4	27.36	41.04
1	45.60	68.40
1-1/2	91.20	136.80
2	145.92	218.88
3	319.20	478.80
4	547.20	820.80
6	1,140.00	1,710.00
8	1,641.60	2,462.40
10	2,644.80	3,967.20
12	3,921.60	5,882.40
16	5,472.00	8,208.00
20	8,208.00	12,312.00
24	12,312.00	18,468.00

(2) Commodity charge based on amount of water used:

	City Users	Users Outside City
Per 1,000 cubic feet	$10.60	$15.90

Sewer Rates:

(a) Quarterly Rates. The quarterly rates for sewage services shall be as follows:

(1) Readiness-to-serve charge, based on size of water meter:

Wastewater Readiness to Serve

Size of Meter (Inches)	City Users	Users Outside City
5/8	$ 46.80	$ 70.20
3/4	70.20	105.30
1	117.00	175.50
1-1/2	234.00	351.00
2	374.40	561.60
3	819.00	1,228.50
4	1,404.00	2,106.00
6	2,925.00	4,387.50
8	4,212.00	6,318.00
10	6,786.00	10,179.00
12	10,062.00	15,093.00
16	14,040.00	21,060.00
20	21,060.00	31,590.00
24	31,590.00	47,385.00

(2) Commodity charge based on amount of water used:

	City Users	Users Outside City
Per 1,000 cubic feet	$ 27.24	$ 40.86

Motion adopted by the following vote:

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

(See City Clerk File #07-78) for a chart on the effects of the recommended combined water/sewer rate changes upon a 5/8 inch residential customer.)

R-5. Councilmember Haynes 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 $786,912,557, plus $34,598,525 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, 2007, and ending June 30, 2008, is hereby determined and adopted as follows:

GENERAL FUND:

Means of financing:		
Property taxes	$ 8,560,000	
Income tax	6,325,000	
Business licenses and permits	306,645	
Nonbusiness licenses and permits	435,000	
State shared revenues	3,838,000	
Charges for services	590,000	
Fines and forfeits	200,000	
Investment income	525,000	
Rents	240,000	
Sale of assets	3,000	
Charges to other funds	1,888,621	
Transfer from other funds	275,000	$ 23,186,266
Estimated requirements:		
Ordinary recurring expenses	$ 22,585,080	
Capital outlay and/or salary adjustments	601,186	$ 23,186,266

MAJOR STREETS FUND:

Means of financing:		
Estimated designated fund balance	$ 2,113	
State shared revenues	1,761,000	
Trunkline maintenance	251,562	
State grants	11,950,000	
Transfer from Municipal streets to Major streets	2,850,000	$ 16,814,675
Estimated requirements:		
Ordinary recurring expenses	$ 2,494,675	
Capital outlay and street improvements	14,320,000	$ 16,814,675

LOCAL STREETS FUND:

Means of financing:		
Estimated designated fund balance	$ 18,900	
State shared revenues	543,000	
Transfer from Major streets to Local streets	450,000	
Transfer from Municipal streets to Local streets	425,000	$ 1,436,900
Estimated requirements:		
Ordinary recurring expenses	$ 971,900	
Capital outlay and street improvements	465,000	$ 1,436,900

MUNICIPAL STREETS FUND:

Means of financing:		
Estimated designated fund balance	$ 1,678,082	
Taxes - Street millage	1,480,000	
Taxes - BWATC	465,000	
Investment income	200,000	$ 3,823,082
Estimated requirements:		
Ordinary recurring expenses	$ 3,817,132	
Capital outlay	5,950	$ 3,823,082

CEMETERY FUND:

Means of financing:		
Foundations	$ 15,000	
Graveside interments	39,100	
Chapel interments	54,300	
Other services	13,000	
Transfer from General fund	57,546	
Transfer from Cemetery perpetual care fund	256,000	$ 434,946
Estimated requirements:		
Ordinary recurring expenses	$ 431,446	
Capital outlay	3,500	$ 434,946

GARBAGE AND RUBBISH COLLECTION FUND:

Means of financing:		
Estimated designated fund balance	$ 97,586	
Taxes	2,100,000	$ 2,197,586

Estimated requirements:		
Ordinary recurring expenses		$ 2,197,586
RENTAL CERTIFICATION FUND:		
Means of financing:		
Charges for services		$ 184,755
Estimated requirements:		
Ordinary recurring expenses		$ 184,755
DOMESTIC PREPAREDNESS FUND:		
Means of financing:		
Grants		$ 200,000
Estimated requirements:		
Ordinary recurring expenses	$ 50,000	
Capital outlay	150,000	$ 200,000
O.U.I.L. FUND:		
Means of financing:		
Fines and forfeits		$ 15,000
Estimated requirements:		
Ordinary recurring expenses	$ 5,000	
Capital outlay	10,000	$ 15,000
DRUG LAW ENFORCEMENT FUND:		
Means of financing:		
Fines and forfeits		$ 46,000
Estimated requirements:		
Ordinary recurring expenses	$ 6,000	
Capital outlay	40,000	$ 46,000
LAW ENFORCEMENT FUND:		
Means of financing:		
Charges for services		$ 5,000
Estimated requirements:		
Ordinary recurring expenses		$ 5,000
ENHANCED 911 FUND:		
Means of financing:		
Charges for services		$ 224,855
Estimated requirements:		
Ordinary recurring expenses	$ 94,831	
Capital outlay	130,024	$ 224,855
COMMUNITY DEVELOPMENT BLOCK GRANT FUND:		
Means of financing:		
Grants		$ 881,023
Estimated requirements:		
Ordinary recurring expenses	$ 175,000	
Capital outlay	706,023	$ 881,023
NEIGHBORHOOD REHABILITATION FUND:		
Means of financing:		
Grant		$ 247,500
Estimated requirements:		
Ordinary recurring expenses	$ 24,750	
Capital outlay	222,750	$ 247,500
HOME PROGRAM FUND:		
Means of financing:		
Grants		$ 270,141
Estimated requirements:		
Ordinary recurring expenses	$ 27,014	
Capital outlay	243,127	$ 270,141
STREETSCAPE MAINTENANCE FUND:		
Means of financing:		
Estimated designated fund balance	$ 26,795	
Charges for services	40,000	$ 66,795
Estimated requirements:		
Ordinary recurring expenses		$ 66,795
DOWNTOWN DEVELOPMENT FUND:		
Means of financing:		
Estimated designated fund balance	$ 100,000	
Taxes	92,000	
Rents	7,200	
Transfer from General fund	12,000	$ 211,200
Estimated requirements:		
Ordinary recurring expenses		$ 211,200
INDUSTRIAL PARK TAX INCREMENT FUND:		
Means of financing:		
Estimated designated fund balance	$ 230,000	
Taxes	1,528,000	$ 1,758,000
Estimated requirements:		
Ordinary recurring expenses - Taxes not captured	$ 1,528,000	
Contractual services	80,000	
Capital outlay	150,000	$ 1,758,000
PAPER COMPANY TAX INCREMENT FUND:		
Means of financing:		
Estimated designated fund balance	$ 25,000	
Taxes	528,000	$ 553,000
Estimated requirements:		
Ordinary recurring expenses - Taxes not captured	$ 528,000	
Contractual services	25,000	$ 553,000
KRAFFT-HOLLAND TAX INCREMENT FUND:		
Means of financing:		
Taxes		$ 610,000
Estimated requirements:		
Ordinary recurring expenses - Taxes not captured		$ 610,000
PEERLESS SITE TAX INCREMENT FUND:		
Means of financing:		
Taxes		$ 102,000
Estimated requirements:		
Ordinary recurring expense	$ 87,000	
Capital outlay	15,000	$ 102,000
HARRINGTON HOTEL TAX INCREMENT FUND:		
Means of financing:		
Estimated designated fund balance	$ 100,000	
Taxes	27,500	$ 127,500
Estimated requirements:		
Ordinary recurring expense	$ 10,000	
Capital outlay	117,500	$ 127,500
BANK TAX INCREMENT FUND:		
Means of financing:		
Estimated designated fund balance	$ 156,000	
Taxes	44,000	$ 200,000
Estimated requirements:		
Ordinary recurring expense	$ 10,000	
Capital outlay	190,000	$ 200,000

EDISON REDEVELOPMENT TAX INCREMENT FUND:

Means of financing:		
Taxes		$ 553,000
Estimated requirements:		
Ordinary recurring expenses	$ 538,000	
Capital outlay	15,000	$ 553,000

WATER STREET TAX INCREMENT FUND:

Means of financing:		
Taxes		$ 520,000
Estimated requirements:		
Ordinary recurring expenses	$ 505,000	
Capital outlay	15,000	$ 520,000

MAINSTREET TAX INCREMENT FUND:

Means of financing:		
Taxes		$ 53,000
Estimated requirements:		
Ordinary recurring expense		$ 53,000

INDUSTRIAL PARK EXPANSION TAX INCREMENT FUND:

Means of financing:		
Taxes		$ 363,000
Estimated requirements:		
Ordinary recurring expenses	$ 263,000	
Capital outlay	100,000	$ 363,000

BROWNFIELD REDEVELOPMENT TAX INCREMENT FUND:

Means of financing:		
Taxes		$ 385,000
Estimated requirements:		
Ordinary recurring expenses		$ 385,000

BEAUTIFICATION COMMISSION:

Means of financing:		
Estimated designated fund balance	$ 2,000	
Miscellaneous	2,000	
Transfer from General fund	3,300	$ 7,300
Estimated requirements:		
Ordinary recurring expenses		$ 7,300

MARINA FUND:

Means of financing:		
Charges for services	$ 531,300	
Transfer from Land purchase fund	300,000	$ 831,300
Estimated requirements:		
Ordinary recurring expenses		$ 831,300

SENIOR CITIZENS HOUSING FUND:

Means of financing:		
Grants	$ 440,160	
Rent	331,320	
Charges for services	46,404	$ 817,884
Estimated requirements:		
Ordinary recurring expenses	$ 673,033	
Capital outlay and/or other adjustments	144,851	$ 817,884

LAND PURCHASE FUND:

Means of financing:		
Estimated designated fund balance	$ 875,000	
Investment income	300,000	
Rents	325,000	
Other income	10,000	
Transfer from tax increment funds	1,374,733	$ 2,884,733
Estimated requirements:		
Ordinary recurring expenses	$ 2,825,000	
Capital outlay	59,733	$ 2,884,733

PARKING FUND:

Means of financing:		
Estimated designated fund balance	$ 134,282	
Street meters	55,100	
Parking lots	59,800	
Annual permits	63,100	
Charges for services	800	$ 313,082
Estimated requirements:		
Ordinary recurring expenses	$ 217,007	
Capital outlay	96,075	$ 313,082

WATER FUND:

Means of financing:		
Estimated designated fund balance	$ 1,575,000	
Sale of water	5,336,294	
Charges for services	155,760	
Investment income	250,000	
Proceeds from long-term revenue bonds	5,070,000	
Pro rata share of water administration and meter reading budget reimbursed from Wastewater fund	486,699	$ 12,873,753
Estimated requirements:		
Ordinary recurring expenses	$ 4,378,619	
Debt service	2,960,000	
Capital outlay	5,535,134	$ 12,873,753

WASTEWATER FUND:

Means of financing:		
Estimated designated fund balance	$ 2,900,000	
Charges for services	7,524,342	
Other income	60,000	
Investment income	180,000	
Grants	1,050,000	
Reimbursement from other units of government	1,991,000	
Proceeds from long-term revenue bonds	8,190,000	
Transfer from Land purchase fund	2,200,000	$ 24,095,342
Estimated requirements:		
Ordinary recurring expenses	$ 7,839,709	
Debt service	6,306,000	
Capital outlay	9,949,633	$ 24,095,342

CENTRAL STORES FUND:

Means of financing:		
Charges for services		$ 160,341
Estimated requirements:		
Ordinary recurring expenses	$ 150,341	
Capital outlay	10,000	$ 160,341

DATA PROCESSING FUND:

Means of financing:		
Charges for services		$ 940,167
Estimated requirements:		
Ordinary recurring expenses	$ 870,167	
Capital outlay	70,000	$ 940,167

MOTOR VEHICLE FUND:

Means of financing:		
Charges for services		$ 2,952,208
Estimated requirements:		
Ordinary recurring expenses	$ 2,344,761	
Capital outlay	607,447	$ 2,952,208

INSURANCE AND FRINGE BENEFIT FUND:

Means of financing:		
Charges for services		$ 12,563,076
Estimated requirements:		
Ordinary recurring expenses	$ 11,366,576	
Supplies and materials	500	
Contractual services	1,196,000	$ 12,563,076

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

2007-2008

	Personal Services	Supplies and Materials	Contractual Services	Total Recurring Expenses	Capital Outlay	Total
GENERAL FUND						
General Government:						
City council	$ 9,739	$ 2,250	$ 91,346	$ 103,335	$	$ 103,335
City manager	305,994	2,850	29,310	338,154		338,154
Elections	61,729	5,500	21,020	88,249		88,249
Finance and accounting	538,646	7,400	121,473	667,519		667,519
Income tax	213,712	20,680	76,245	310,637		310,637
Assessor	347,371	7,750	89,162	444,283		444,283
Legal	210,157	1,525	94,535	306,217		306,217
Clerk	231,443	1,300	16,113	248,856		248,856
Personnel	239,416	3,100	66,123	308,639		308,639
Purchasing	31,096	200	10,745	42,041		42,041
Board of review	1,800		650	2,450		2,450
Treasurer	132,495	8,318	74,911	215,724		215,724
Municipal office center	206,063	34,779	380,784	621,626	274,700	896,326
Promotional		100	25,900	26,000		26,000
	2,529,661	95,752	1,098,317	3,723,730	274,700	3,998,430
Public Safety:						
Police administration	825,507	24,556	217,715	1,067,778	9,686	1,077,464
Detectives	810,074	14,924	110,102	935,100		935,100
Patrol	4,685,365	91,210	460,562	5,237,137	19,050	5,256,187
Communications	665,018	6,900	92,343	764,261		764,261
Fire	4,992,651	156,760	350,351	5,499,762	18,750	5,518,512
	11,978,615	294,350	1,231,073	13,504,038	47,486	13,551,524
Public Works:						
Inspection	336,144	6,800	50,776	393,720		393,720
Emergency Management		2,730	11,043	13,773		13,773
Public works administration	196,091	575	12,465	209,131		209,131
Engineering	283,395	10,700	83,669	377,764		377,764
Street lighting	8,800	3,600	706,525	718,925		718,925
Blight	67,392	2,300	6,564	76,256		76,256
	891,822	26,705	871,042	1,789,569		1,789,569

	Personal Services	Supplies and Materials	Contractual Services	Total Recurring Expenses	Capital Outlay	Total
Senior Citizens:						
Wastewater and water discounts	$	$	$ 6,000	$ 6,000	$	$ 6,000
Senior citizens transportation			15,688	15,688		15,688
			21,688	21,688		21,688
Recreation, Parks and Culture:						
Parks and Forestry	699,930	64,310	402,180	1,166,420	22,000	1,188,420
Recreation	446,730	99,193	130,600	676,523		676,523
20th and Court pool	65,296	12,550	31,870	109,716		109,716
Sanborn pool	77,259	13,500	36,870	127,629		127,629
Lighthouse park	59,530	4,310	4,528	68,368		68,368
Lakeside park	60,330	5,250	12,878	78,458		78,458
Palmer park recreation center	80,107	9,100	33,082	122,289		122,289
Lightship	1,333	1,275	11,659	14,267		14,267
McMorran complex			335,000	335,000		335,000
Library			8,000	8,000		8,000
Museum	640	5,000	105,420	111,060		111,060
	1,491,155	214,488	1,112,087	2,817,730	22,000	2,839,730
Other Functions:						
Planning	185,042	3,900	21,129	210,071		210,071
Telephone service		6,000	25,950	31,950		31,950
Contingencies			50,000	50,000		50,000
Insurance, health and safety	74,160	130	259,168	333,458		333,458
Taxes written off			15,000	15,000		15,000
Demolitions			15,000	15,000		15,000
	259,202	10,030	386,247	655,479		655,479
Public Improvements:						
Recreation projects					117,000	117,000
Other public improvements					140,000	140,000
					257,000	257,000
Transfer to other funds:						
Cemetery fund			57,546	57,546		57,546
Downtown development fund			12,000	12,000		12,000
Beautification commission fund			3,300	3,300		3,300
			72,846	72,846		72,846
TOTAL GENERAL FUND	17,150,455	641,325	4,793,300	22,585,080	601,186	23,186,266
SPECIAL REVENUE FUNDS						
Street funds:						
Major streets	1,131,750	252,066	1,110,859	2,494,675	14,320,000	16,814,675
Local streets	520,148	80,362	371,390	971,900	465,000	1,436,900
Municipal streets	63,765	5,892	3,747,475	3,817,132	5,950	3,823,082
	1,715,663	338,320	5,229,724	7,283,707	14,790,950	22,074,657
Cemetery fund	275,160	23,527	132,759	431,446	3,500	434,946
Garbage and rubbish collection fund	213,379	500	1,983,707	2,197,586		2,197,586
Rental certification fund	143,763	4,300	36,692	184,755		184,755
Domestic Preparedness		10,000	40,000	50,000	150,000	200,000
OUIL		3,500	1,500	5,000	10,000	15,000
Drug law enforcement fund		5,000	1,000	6,000	40,000	46,000
Law enforcement fund		5,000		5,000		5,000
Enhanced 911 fund		3,338	91,493	94,831	130,024	224,855
Community development block grant	150,587	3,050	21,363	175,000	706,023	881,023
Neighborhood rehabilitation	24,750			24,750	222,750	247,500
Home program fund	27,014			27,014	243,127	270,141
Streetscape maintenance	640	318	65,837	66,795		66,795

	Personal Services	Supplies and Materials	Contractual Services	Total Recurring Expenses	Capital Outlay	Total
Downtown development fund	$ 2,000	$ 7,500	$ 201,700	$ 211,200	$	$ 211,200
Industrial park tax increment fund			1,608,000	1,608,000	150,000	1,758,000
Paper Company tax increment fund			553,000	553,000		553,000
Krafft-Holland tax increment fund			610,000	610,000		610,000
Peerless site tax increment fund			87,000	87,000	15,000	102,000
Harrington Hotel tax increment fund			10,000	10,000	117,500	127,500
Bank tax increment fund			10,000	10,000	190,000	200,000
Edison redevelopment tax increment fund			538,000	538,000	15,000	553,000
Water Street tax increment fund			505,000	505,000	15,000	520,000
Mainstreet tax increment fund			53,000	53,000		53,000
Industrial park expansion tax increment fund			263,000	263,000	100,000	363,000
Brownfield redevelopment tax increment fund			385,000	385,000		385,000
Beautification commission fund		6,570	730	7,300		7,300
TOTAL SPECIAL REVENUE FUNDS	2,552,956	410,923	12,428,505	15,392,384	16,898,874	32,291,258
ENTERPRISE FUNDS						
Marina fund	163,718	281,530	386,052	831,300		831,300
Senior citizens housing fund	6,000	11,500	655,533	673,033	144,851	817,884
Land purchase fund			2,825,000	2,825,000	59,733	2,884,733
Parking fund	97,630	15,810	103,567	217,007	96,075	313,082
Water fund:						
Treatment plant	972,768	134,677	838,388	1,945,833	424,260	2,370,093
Distribution	745,123	148,479	565,787	1,459,389	5,082,330	6,541,719
Customer accounting	145,605	24,350	116,206	286,161		286,161
Meter reading	397,720	131,103	158,413	687,236	28,544	715,780
Debt service			2,960,000	2,960,000		2,960,000
	2,261,216	438,609	4,638,794	7,338,619	5,535,134	12,873,753
Wastewater fund:						
Treatment plant	2,058,782	514,492	2,583,345	5,156,619	695,883	5,852,502
Collection, general	922,658	153,378	1,558,070	2,634,106	9,253,750	11,887,856
Collection system no. 1			213	213		213
Collection system no. 2	3,416	3,100	17,473	23,989		23,989
Collection system no. 3	3,830	1,500	19,452	24,782		24,782
Debt service			6,306,000	6,306,000		6,306,000
	2,988,686	672,470	10,484,553	14,145,709	9,949,633	24,095,342
TOTAL ENTERPRISE FUNDS	5,517,250	1,419,919	19,093,499	26,030,668	15,785,426	41,816,094
INTERNAL SERVICE FUNDS						
Central stores fund	11,832	46,100	92,409	150,341	10,000	160,341
Data Processing fund	552,754	100,825	216,588	870,167	70,000	940,167
Motor vehicle fund	890,881	529,334	924,546	2,344,761	607,447	2,952,208
Insurance and fringe benefit fund	11,366,576	500	1,196,000	12,563,076		12,563,076
TOTAL INTERNAL SERVICE FUNDS	12,822,043	676,759	2,429,543	15,928,345	687,447	16,615,792
TOTAL ALL FUNDS	$ 38,042,704	$ 3,148,926	$ 38,744,847	$ 79,936,477	$ 33,972,933	$ 113,909,410

(See next page for schedule of Estimated Expenditures)

SCHEDULE OF ESTIMATED EXPENDITURES

2007-2008

	Actual		Budget			
	2004-2005	2005-2006	2006-2007	2007-2008	Increase	Decrease
GENERAL FUND						
General Government:						
City council	$ 86,288	$ 91,682	$ 110,228	$ 103,335	$	$ 6,893
City manager	348,690	570,166	315,866	338,154	22,288	
Elections	70,358	61,549	84,737	88,249	3,512	
Finance and accounting	565,249	597,068	661,417	667,519	6,102	
Income tax	261,691	278,775	311,007	310,637		370
Assessor	373,452	386,363	441,180	444,283	3,103	
Legal	276,422	262,592	304,878	306,217	1,339	
Clerk	221,553	237,246	246,533	248,856	2,323	
Personnel	284,537	303,430	318,121	308,639		9,482
Purchasing	34,485	37,855	41,516	42,041	525	
Board of review	2,259	2,341	2,450	2,450		
Treasurer	176,563	187,628	209,619	215,724	6,105	
Municipal office center	606,978	640,094	582,920	896,326	313,406	
Promotional	28,801	34,419	23,600	26,000	2,400	
	3,337,326	3,691,208	3,654,072	3,998,430	361,103	16,745
Public Safety:						
Police administration	891,264	943,337	1,049,814	1,077,464	27,650	
Detectives	1,033,116	1,046,388	938,029	935,100		2,929
Patrol	4,696,606	5,022,490	5,216,882	5,256,187	39,305	
Communications	667,211	726,268	783,305	764,261		19,044
Fire	5,458,247	5,603,541	5,466,563	5,518,512	51,949	
	12,746,444	13,342,024	13,454,593	13,551,524	118,904	21,973
Public Works:						
Inspection	344,782	361,690	377,150	393,720	16,570	
Emergency Management	54,843	9,191	23,216	13,773		9,443
Public works administration	180,114	198,430	208,976	209,131	155	
Engineering	212,586	264,360	413,125	377,764		35,361
Street lighting	660,426	695,115	712,429	718,925	6,496	
Blight	84,631	125,702	118,595	76,256		42,339
	1,537,382	1,654,488	1,853,491	1,789,569	23,221	87,143
Senior Citizens:						
Wastewater and water discounts	3,811	3,163	7,000	6,000		1,000
Senior citizens transportation	10,084	15,008	15,148	15,688	540	
	13,895	18,171	22,148	21,688	540	1,000
Recreation, Parks and Culture:						
Parks and Forestry	1,198,289	1,345,431	1,274,869	1,188,420		86,449
Recreation	637,649	646,331	663,646	676,523	12,877	
20th and Court pool	88,599	104,428	105,565	109,716	4,151	
Sanborn pool	131,551	122,926	122,643	127,629	4,986	
Lighthouse park	40,145	48,480	66,392	68,368	1,976	
Lakeside park	59,015	69,630	76,992	78,458	1,466	
Palmer park recreation center	121,343	112,780	122,019	122,289	270	
Lightship	8,089	10,203	12,581	14,267	1,686	
McMorran complex	335,000	335,000	335,000	335,000		
Library	8,000	8,000	8,000	8,000		
Museum	80,774	112,241	119,536	111,060		8,476
Fine arts	1,500	1,500				
	2,709,954	2,916,950	2,907,243	2,839,730	27,412	94,925

SCHEDULE OF ESTIMATED EXPENDITURES

2007-2008

	Actual		Budget			
	2004-2005	2005-2006	2006-2007	2007-2008	Increase	Decrease
Other Functions:						
Planning	$ 202,043	$ 213,004	$ 237,723	$ 210,071	$	$ 27,652
Telephone service	34,853	34,915	36,276	31,950		4,326
Contingencies			50,000	50,000		
Insurance, health and safety	337,088	238,476	332,659	333,458	799	
Taxes written off	1,246	717	15,000	15,000		
Demolitions	1,339		15,000	15,000		
	576,569	487,112	686,658	655,479	799	31,978
Public Improvements:						
Parks and recreation projects	111,369	78,309	112,000	117,000	5,000	
Other public improvement			20,000	140,000	120,000	
	111,369	78,309	132,000	257,000	125,000	
Transfer to other funds:						
Cemetery fund		45,000	54,000	57,546	3,546	
Downtown development fund			12,000	12,000		
Beautification commission fund	3,300	8,300	3,300	3,300		
Land purchase fund	600,000	250,000				
	603,300	303,300	69,300	72,846	3,546	
TOTAL GENERAL FUND	21,636,239	22,491,562	22,779,505	23,186,266	660,525	253,764
SPECIAL REVENUE FUNDS						
Street funds:						
Major streets	3,658,118	3,475,800	6,365,820	16,814,675	10,448,855	
Local streets	1,325,952	1,642,203	2,709,329	1,436,900		1,272,429
Municipal streets	1,470,634	1,757,722	5,110,839	3,823,082		1,287,757
	6,454,704	6,875,725	14,185,988	22,074,657	10,448,855	2,560,186
Cemetery fund	459,549	496,879	550,194	434,946		115,248
Garbage and rubbish collection fund	1,709,142	1,772,152	2,030,000	2,197,586	167,586	
Rental certification fund	200,077	205,794	207,334	184,755		22,579
Domestic preparedness fund	132,011	954,445	200,000	200,000		
OUIL fund	1,963	17,579	1,100	15,000	13,900	
Drug law enforcement fund	43,067	18,285	46,000	46,000		
Law enforcement fund	3,085	2,336	1,000	5,000	4,000	
Enhanced 911 fund	109,825	257,052	237,000	224,855		12,145
Community development block grant fund	1,335,336	771,608	879,334	881,023	1,689	
Neighborhood rehabilitation fund		90,000	347,200	247,500		99,700
Home program fund	379,120	420,279	272,286	270,141		2,145
Streetscape maintenance fund	24,439	33,847	70,000	66,795		3,205
Downtown development fund	157,414	75,251	196,500	211,200	14,700	
Industrial park tax increment fund	1,390,284	1,558,293	1,731,000	1,758,000	27,000	
Paper Company tax increment fund	576,211	555,237	564,000	553,000		11,000
Krafft-Holland tax increment fund	551,066	564,633	708,000	610,000		98,000
Peerless site tax increment fund	197,158	200,372	204,000	102,000		102,000
Harrington Hotel tax increment fund		2,428	97,500	127,500	30,000	
Bank tax increment fund			156,000	200,000	44,000	
Edison redevelopment tax increment fund	485,427	508,641	529,000	553,000	24,000	
Water Street tax increment fund	420,074	372,007	420,000	520,000	100,000	
Mainstreet tax increment fund	6,288	252,406	290,000	53,000		237,000
Industrial park expansion tax increment fund	185,491	226,346	325,000	363,000	38,000	

SCHEDULE OF ESTIMATED EXPENDITURES
2007-2008

	Actual		Budget			
	2004-2005	2005-2006	2006-2007	2007-2008	Increase	Decrease
Brownfield redevelopment tax increment fund	$ 68,089	$ 382,551	$ 392,000	$ 385,000	$	$ 7,000
Beautification commission fund	5,616	5,410	7,300	7,300		
TOTAL SPECIAL REVENUE FUNDS	14,895,436	16,619,556	24,647,736	32,291,258	10,913,730	3,270,208
ENTERPRISE FUNDS						
Marina fund	782,996	876,246	857,524	831,300		26,224
Senior citizens housing fund	583,210	750,473	1,319,000	817,884		501,116
Land purchase fund	2,569,593	5,137,383	2,496,733	2,884,733	388,000	
Parking fund	184,071	198,587	357,017	313,082		43,935
Water fund:						
Treatment plant	1,789,926	1,965,843	1,985,335	2,370,093	384,758	
Distribution	1,341,192	1,423,050	1,407,547	1,471,719	64,172	
Customer accounting	236,852	245,433	286,768	286,161		607
Meter reading	498,007	640,639	638,002	715,780	77,778	
Debt service	2,054,093	2,404,503	2,600,000	2,960,000	360,000	
Capital outlay	4,838,444	5,508,509	9,461,470	5,070,000		4,391,470
	10,758,514	12,187,977	16,379,122	12,873,753	886,708	4,392,077
Wastewater fund:						
Treatment plant	4,035,503	4,665,085	5,063,820	5,852,502	788,682	
Collection, general	1,917,878	2,174,134	2,390,980	2,647,856	256,876	
Collection system no. 1	11	11	212	213	1	
Collection system no. 2	13,214	18,094	23,405	23,989	584	
Collection system no. 3	16,208	18,596	24,304	24,782	478	
Debt service	4,715,675	5,242,180	5,726,000	6,306,000	580,000	
Capital outlay	10,639,854	7,581,552	12,975,000	9,240,000		3,735,000
	21,338,343	19,699,652	26,203,721	24,095,342	1,626,621	3,735,000
TOTAL ENTERPRISE FUNDS	36,216,727	38,850,318	47,613,117	41,816,094	2,901,329	8,698,352
INTERNAL SERVICE FUNDS						
Central stores fund	158,983	139,300	166,924	160,341		6,583
Data Processing fund	948,425	980,394	1,053,214	940,167		113,047
Motor vehicle fund	2,087,916	2,394,980	2,688,441	2,952,208	263,767	
Insurance and fringe benefit fund	9,439,542	9,665,753	11,802,351	12,563,076	760,725	
TOTAL INTERNAL SERVICE FUNDS	12,634,866	13,180,427	15,710,930	16,615,792	1,024,492	119,630
TOTAL ALL FUNDS	$ 85,383,268	$ 91,141,863	$ 110,751,288	$ 113,909,410	$ 15,500,076	$ 12,341,954

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 2007-08 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 - added new meters
Various locations - removed meters (Superior Street)

Metered Off Street Lots
Various locations - added new meters

(A schedule of parking fees, rates and charges is attached as City Clerk File #07-81)

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, 2007; 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, 2007, for a period not extending beyond March 1, 2008, 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, 2007, 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, 2007, whichever is later, and

BE IT FURTHER RESOLVED that the City Manager is hereby not authorized to grant non-union employees a salary adjustment; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute the necessary employment agreements with key personnel; and

BE IT FURTHER RESOLVED that the Capital Improvement Program for the 2007-2008 through 2011-2012 fiscal years, as amended, be adopted as a guide for capital expenditures during this period.

Adopted unanimously.

***R-6.** WHEREAS, the City Manager has issued Temporary Traffic Control Order No. 1184 effective March 29, 2007, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

RIVERSIDE DRIVE - Southbound Riverside Drive shall "YIELD" for McPherson 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 Statues of this State, as well as the Charter, Ordinances, and Resolutions of the City of Port Huron.

Adopted.

***R-7.** WHEREAS, the Blue Water Area Transportation Commission ("BWATC") operates a transit system within the Blue Water Area; and

WHEREAS, it was agreed to place the question of additional funding for the transportation system before the voters of each local unit of government in the form of a millage; and

WHEREAS, on May 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 0.6214 mills on the taxable valuation, as finally equalized, on all real and personal property in the City of Port Huron for the period of one (1) year (the July 1, 2007, City levy) which recommendation is within the 0.6294 mills approved by the voters of the City of Port Huron and incorporates the 2007 Headlee rollback factor of 0.9951 applicable to the Charter Township of Fort Gratiot; and

WHEREAS, the amount to be received from the levy of 0.6214 mills by the City of Port Huron, based on the 2007 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, 2007 through June 30, 2008;

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, 0.6214 mills on each dollar of taxable valuations, as finally equalized against all real and personal taxable property in the City of Port Huron for the purpose of the City of Port Huron contributing its share of the said financing of the operation of the Blue Water Area Transportation Commission for the operational period of July 1, 2007, through June 30, 2008; and

BE IT FURTHER RESOLVED that said 0.6214 mills be levied on July 1, 2007; and

BE IT FURTHER RESOLVED that the City Clerk be and is hereby authorized and directed to certify said tax for levy and collection to the City Treasurer of the City of Port Huron by delivering to said City Treasurer a certified copy of this resolution.

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

Adopted.

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

WHEREAS, the Economic Opportunity Committee of St. Clair County has developed "Oak Crest Homes" which consists of 14 new homes in an older neighborhood within the City; and

WHEREAS, at their meeting of July 10, 2006, the Port Huron City Council vacated a portion of the Jay Street right-of-way lying between the Griswold and Oak Street rights-of-way to further enhance the quality of life in this neighborhood; and

WHEREAS, the City of Port Huron wishes to convey the property to the Oak Crest Condominium Homeowners Association for development of a common area under the Condominium Master Deed;

NOW, THEREFORE, BE IT RESOLVED that the appropriate City Officials are hereby authorized to convey, by Quit Claim Deed, the following described property to the Oak Crest Condominium Homeowners Association for One and 00/100 Dollars ($1.00) for a common area under the Condominium Master Deed within the Oak Crest Homes development:

that portion of vacated Jay Street right-of-way beginning at the southeast corner of Lot 20, Reid and Stewart Plat, as recorded in Liber 33 of Plats, Page 8, St. Clair County Register of Deeds Office; thence north 111 feet along the west right-of-way of vacated Jay Street; thence easterly 60 feet to the east right-of-way line of vacated Jay Street; thence south 111 feet to the southwest corner of Lot 13, said plat; thence west 60 feet to the point of beginning of this description, City of Port Huron, St. Clair County, Michigan.

Motion adopted by the following vote:

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

***R-9.** 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 $297.73 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk File #07-79).

Adopted.

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

WHEREAS, Chapter 6 Section 63 of the City Charter, Act 2 of Public Acts of 1968 and the Single Audit Act of 1984 require the City to have an annual audit of the several funds and authorities of the City of Port Huron; and

WHEREAS, The State Treasurer has issued a Bulletin for Audits of Local Units of Government in Michigan, revised August, 2001, which required all municipalities to enter into written contract with the Certified Public Accountant who is engaged to perform the audit; and

WHEREAS, the Government Finance Officers Association of the United States and Canada (GFOA) has published recommended practices for state and local governments which includes an audit management handbook detailing guidelines for preparation of requests for audit proposals; and

WHEREAS, such requests for audit proposals were prepared in accordance with those model guidelines and submitted to fifteen Michigan firms of certified public accountants with extensive governmental practices who have demonstrated their commitment to governmental auditing by their participation in membership on either the Michigan Committee on Governmental Accounting and Auditing (MCGAA), the governmental conference committee of the Michigan Association of Certified Public Accountants (MACPA), a policy committee of the Michigan Municipal Finance Officers Association (MMFOA) or as a reviewer for the GFOA Certificate of Achievement for Excellence in Financial Reporting; and

WHEREAS, the following firms responded with proposals which demonstrated the qualifications, competence and capacity of the firms seeking to undertake the independent audit of the City of Port Huron:

Abraham & Gaffney, PC, Rochester Hills
Andrews, Hooper & Pavlik, PLC, Saginaw
Plante & Moran, PLLC, Clinton Twp.
Rehmann Robson, LLC, Troy
Yeo & Yeo, PC, Saginaw

WHEREAS, proposals were evaluated based upon the elements of the request for proposal including the firm's expertise and experience with comparable government engagements and tax increment-type authorities, the quality of personnel to be assigned to the engagement, the firm's involvement in developing government accounting and auditing policies and standards, the firm's size and structure, the firm's audit approach and the cost of performing the audit;

NOW, THEREFORE, BE IT RESOLVED THAT the City Council hereby approves the agreement with Plante & Moran, PLLC, Certified Public Accountants, to conduct the audit of the several funds and authorities of the City of Port Huron for three additional fiscal years: fiscal year 2006-07, fiscal year 2007-08 and fiscal year 2008-09 and authorizes and directs the proper City officials to execute the agreement. (See City Clerk File #07- 80).

Adopted unanimously.

MOTIONS & MISCELLANEOUS BUSINESS

1. Councilmember Fisher that the first home game for the vintage base ball team, the Welkins, will be played at 2 p.m. in Lincoln Park and encouraged everyone to attend.

2. Councilmember Sample-Wynn announced that a design for the First Night button is needed and they will be paid $300. Deadline to submit is Friday, June 1, and the theme is "Imagine our Future."

3. Councilmember Jacobs asked everyone to join her in wishing Mayor Pro-tem Neal a happy birthday today.

On motion (8:15 p.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

(Page intentionally left blank)

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, June 11, 2007, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

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

The meeting was called to order by Mayor Cutcher.

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

The minutes of the regular meeting of May 29, 2007, were approved.

PRESENTATIONS

1. Certificates of Recognition were presented to PHASD middle school students who placed 1st, 2nd and 3rd in a Sesquicentennial essay contest. The 1st place winners read their essays (see City Clerk File #07-81 for list of winners).

2. Dennis Hanselman and Terry Stroh presented to the City a CD entitled "Cool City" recorded by Double Play.

3. Pauline Repp, Sesquicentennial Committee Chairperson, gave an update on what the committee has been working on.

4. Robert Clegg, City Engineer, gave a report on the volume and flow of traffic through Pine Grove Park and the surrounding neighborhoods.

5. Michael McGee, Miller Canfield Paddock and Stone, gave a presentation on the CSO project, bonding issues, Boldt decision and utility rates (this presentation was held following public audiences).

PUBLIC HEARINGS

1. The Mayor announced that this was the time to hear comments on the proposed vacation of the public utility easement in the block bound by vacated Dixon Street to the south, 24th Street to the west, Grand Trunk railroad right-of-way to the north and vacated 21st Street to the east. (See Resolution #4)

No one appeared to be heard.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Ken Harris, 1521 Wells Street, addressed the City Council stating that he attending the roundtable this date and thought it was enlightening and a good process and thanked the City for putting it on. He also stated he is glad that Gary Fletcher was giving an opinion on McMorran so that it can be brought to a conclusion and that he thinks Resolution 12 (1802 Martin) should be removed from the agenda due to the fact that the homeowners have done a good job in rehabilitating the property.

2. Khalil Chaudry, owner of 1802 Martin Avenue, addressed the City Council showing through a PowerPoint presentation (see City Clerk File #07-82 for copy) the new foundation, roof, painting and windows that he has completed and asking for additional time to finish and to remove the resolution ordering demolition from the agenda (Resolution 12).

3. Patrick McFarlane, 527 Rawlins Street, addressed the City Council with concerns about the safety of people using Pine Grove Park and trailway and wondered whether stop signs could be used to deter speeding as well as police monitoring.

4. Nick Webster, 2401 Partridge Ave., Port Huron Twp., addressed the City Council stating he has had a liquor license over 35 years in Port Huron and that $375,000 a year to maintain a building like McMorran is cheap and that they need a manager that will bring things in and need to get money to operate other than Port Huron.

5. Richard Cummings, 8128 Holly Road, Avoca, addressed the City Council stating that he is concerned about McMorran's future and it is the jewel of the city and feels that those outside Port Huron are responsible for its upkeep also and there is a need for a county-wide millage.

6. Beverly Roberts, 912 Michigan Street, addressed the City Council thanking Bob Clegg for his efforts on behalf of her neighborhood and agrees with trying stop signs as she has difficultly even backing out of her driveway due to people driving too fast, especially where the three streets come together.

7. Alice O'Neil, 807 Prospect Place, addressed the City Council stating that McMorran has two separate problems – one that the theatre has become antiquated and the ice arena needs to continue operating.

8. Janice Littlefield, 923 Michigan Street, addressed the City Council reading an email from Kristin Jurs, 408 Stanton Street, expressing that curbing speeds does not mean the neighborhood wants to preclude people from enjoying the river and that Pine Grove Park is a beautiful park that she doesn't want to see deteriorate and that the City needs to appeal to the target market of tourists, creative class and retirees.

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:

Upcoming events:

- A few spots remain the week of June 25 for the Community Roundtables. Participation in this important CSO funding issue is encouraged. Visit www.porthuron.org or call the City Clerk's Office at 984-9725.
- Visit www.ph150.org for details about Port Huron's Sesquicentennial celebration

Upcoming events:

June 14: Big Screen Movie (Cars) at Palmer Park
June 15: Sanborn & Court Street pools open
June 16: Furniture Fair, downtown
June 20: Big Screen Movie (Over the Hedge) at Lincoln Park
June 21: Art in the Park Concert (Wally Fitz Ensemble), Desmond Landing
June 27: Big Screen Movie (High School Musical) at River Street Marina
June 28: Art in the Park Concert (Stardust Swing Band), Desmond Landing
June 30: Fireworks and community birthday party (with food and entertainment), Desmond Landing/Acheson Ventures property along the St. Clair River

COMMUNICATIONS & PETITIONS

C-1. Councilmember Haynes moved to receive and file the following communication:

From Gary A. Fletcher, Legal Counsel, a letter of opinion on the agreement between the City and the McMorran Auditorium Authority (see City Clerk File #07-83).

Adopted unanimously.

FROM THE CITY MANAGER

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

On May 17, 2007, the City of Port Huron received two (2) bids for the Bancroft warehouse fuel tank replacement:

Job Site Services	$227,370.00
Oscar W. Larson Company	$234,378.00

It is recommended that the bid of Job Site Services, 4395 Wilder Road, Bay City, Michigan, 48706, in the amount of Two Hundred Twenty-Seven Thousand Three Hundred Seventy and 00/100 Dollars ($227,370.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

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

On May 17, 2007, the City of Port Huron received six (6) bids for the Bancroft warehouse heating and ventilation improvements:

Dependable Heating & Cooling, Inc.	$ 65,140.00
Mechanical Control Systems, Inc.	$ 72,000.00
Ingell Refrigeration Air Conditioning, Inc.	$ 77,680.00
Watson Brothers Company	$106,300.00
R. W. Mead & Sons, Inc.	$129,500.00
Kapala Heating & Air Conditioning	*

* Nonresponsive bid

It is recommended that the bid of Dependable Heating and Cooling, Inc., 2302 Wadhams Road, Kimball, Michigan, 48074, in the amount of Sixty-Five Thousand One Hundred Forty and 00/100 Dollars ($65,140.00) 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, Jacobs, McCulloch and Sample-Wynn.
No: None.
Abstain: Councilmember Neal (stated that Flags board member, of which he was an employee, was owner of company)
Absent: None.

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

On May 29, 2007, the City of Port Huron received three (3) unit price bids for the 2007 CDBG Sidewalk Program. Based on estimated annual quantities, the following is a comparative summary of the bids received:

All Type Cement	$26,467.50
Hammar's Contracting	$29,650.00
Hinojosa Construction	$36,131.25

It is recommended that the bid of All Type Cement, 9280 Puttygut Road, Casco, Michigan 48064, in the amount of Twenty-Six Thousand Four Hundred Sixty-Seven and 50/100 Dollars ($26,467.50) 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 to pay the attached payments. (See City Clerk File #07-01)

Adopted unanimously.

***R-2.** WHEREAS, SMW Automotive, 2223 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, June 25, 2007, in order to hear comments on the application of SMW Automotive for an Industrial Facilities Exemption Certificate; and

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

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

Adopted.

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

WHEREAS, a request has been received for a special use permit for a family day care home (six or fewer children) at 1911 - 12th Street; and

WHEREAS, on June 5, 2007, 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, contingent upon the issuance of a day care license by the state;

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 a family day care home (six or fewer children) at 1911 - 12th Street, contingent upon the applicant receiving licensing by the state, or in the case of a negative vote, hereby denies the request.

Adopted unanimously.

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

WHEREAS, the City of Port Huron owns the following described public utility easement:

> the public utility easement in all of that part of the platted right-of-way (66 feet) of vacated 23rd Street from the north right-of-way line of Dixon Street to the north line of the Dixon Plat, said street being adjacent to Block 1 and 3, Dixon Plat, as recorded in Liber 16 of Plats, Page 159, St. Clair County Register of Deeds Office, City of Port Huron; and

WHEREAS, on May 1, 2007, the City Planning Commission held a public hearing to hear comments on the proposed vacation and recommended approval (vote: 9 ayes; 0 nays; 0 absent; 0 abstained); and

WHEREAS, the City Council on June 11, 2007, held a public hearing for the purpose of hearing and considering any objections to the vacation and after due consideration, it is the judgment of the Port Huron City Council that the vacation would be in keeping with the City's Master Plan and in furtherance of the public interest and benefit;

NOW, THEREFORE, BE IT RESOLVED that the above-described public utility easement is hereby vacated.

Adopted unanimously.

R-5. 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 29, 2007, to hear comments on the Consolidated Annual Performance Evaluation Report (CAPER) for the Program Year 2006 (April 1, 2006 - March 31, 2007) and;

WHEREAS, the Community Development Division of the City has provided a copy of the CAPER for public viewing at the City Clerk's office and the St. Clair County Public Library for a period of at least 15 days; and

WHEREAS, any comments heard and/or received will be incorporated into the CAPER for review by the U.S. Department of Housing and Urban Development (HUD); and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron hereby authorizes the Community Development Division to submit the Consolidated Annual Performance Evaluation Report (CAPER) for Program Year 2006 (April 1, 2006 through March 31, 2007), 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.

Adopted unanimously.

***R-6.** WHEREAS, it is stated in the Code of Ordinances of the City of Port Huron, Chapter 16, Housing, Article II, Rental Inspection, Section 16-47, Appeal Process, that the Rental Housing Board of Appeals shall consist of: "a) one licensed builder, construction tradesman, licensed engineer, or licensed architect who is not a rental property owner or occupant (tenant); b) two current rental property owners; c) one current rental property occupant (tenant); and d) one resident of the City at-large who is neither a rental property owner or occupant (tenant). Members are to serve a three-year staggered term and priority shall be given to Port Huron residents.";

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby appoints the following individuals to the Rental Housing Board of Appeals with terms to expire as indicated:

Linda Reichenbach, citizen-at-large	June 10, 2010
Ron Saffee, landlord	June 10, 2010

Adopted.

***R-7.** WHEREAS, the City of Port Huron created a Local Development Finance Authority (LDFA) May 14, 1990; and

WHEREAS, the LDFA Act stipulates that the City Manager shall appoint seven members from the City of Port Huron subject to approval by the City Council, two members appointed by the Port Huron Area School District, one member appointed by the St. Clair County Community College, and one member appointed by the St. Clair County Board of Commissioners, with four-year terms;

NOW, THEREFORE, BE IT RESOLVED that the following re-appointments to the Local Development Finance Authority are hereby confirmed:

Douglas R. Alexander, term to expire June 11, 2011
Kirk A. Kramer (St. Clair County Community College), term to expire June 11, 2011
Shaun Groden (St. Clair County), term to expire June 11, 2011;

BE IT FURTHER RESOLVED that the appointment of the following individual to fill the unexpired term of Robert Beedon is hereby confirmed:

Thomas B. Shorkey (Port Huron Area School District), term to expire June 11, 2008.

Adopted.

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

WHEREAS, the State of Michigan offers a new type of on-premises liquor license pursuant to PA 501 of 2006, specifically Section 521a(1) (b) ("Development Authority Districts") of the Michigan Liquor Control Code of 1998, being MCL 436.152a(1) (b) ;and

WHEREAS, the Port Huron City Council has received a request for their support of an application for a license under Section 521a (1) (b) from Raven Coffeehouse, Inc., 932 Military Street, Port Huron, Michigan, which is located within the boundaries of the City's Downtown Development Authority; and

WHEREAS, the total amount of private and public investment in real and personal property in the development district totals well over $200,000 for the preceding 5 years; and

WHEREAS, Raven Coffeehouse, Inc., is engaged in dining, entertainment, or recreation, and is open to the general public and has a seating capacity of more than 50 persons; and

WHEREAS, it is the intention of the City Council to prevent further deterioration within the development district and promote economic growth;

NOW, THEREFORE, BE IT RESOLVED, that the Port Huron City Council hereby supports and recommends that the Michigan Liquor Control Commission "approves above all others" the application of Raven Coffeehouse, Inc., 932 Military Street, Port Huron, for an on premises liquor license issued pursuant to PA 501 of 2006, Section 521a (1) (b).

Adopted unanimously.

***R-9.** 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 reappointment of Mark Byrne, Thomas Hamilton and Rev. Thomas Seppo as members of the Sister City Commission for three year terms to expire on April 12, 2010.

Adopted.

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

WHEREAS, it is necessary to perform construction engineering services during the construction and serve as the City's professional representative for the Bancroft Warehouse Underground Fuel Tank Removal and Replacement project; and

WHEREAS, Huron Environmental, LLC 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 Huron Environmental, LLC for professional engineering services;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Huron Environmental, LLC for construction engineering services for the Bancroft Warehouse Underground Fuel Tank Removal and Replacement project and authorizes the appropriate City officials to execute the agreement (see City Clerk File #07-84).

Adopted unanimously.

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

WHEREAS, residents in the area of Pine Grove Park, specifically the River Park Neighborhood and those residents on Prospect Place and to the north, have expressed concerns with the traffic volume and speeds through the park and into their neighborhoods; and

WHEREAS, in May of 2006 City Council was provided with traffic control options that could address the concerns of the neighbors; and

WHEREAS, it was decided at the time to wait until the construction in the area was complete; and

WHEREAS, the City has recently completed its Michigan-Merchant Area sewer separation project; and

WHEREAS, City staff has presented the traffic control alternatives to regulate traffic flow through Pine Grove Park;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for Monday, July 9, 2007, at 7:30 p.m. in the Public Meeting Room to hear comments from interested citizens relative to the alternative traffic control measures that could be implemented to address the volume and flow of traffic through Pine Grove Park and the surrounding neighborhoods.

Adopted unanimously.

R-12. Councilmember Neal offered and moved the adoption of the following resolution (postponed from the May 14, 2007, Council meeting):

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

Lots 1 and 2, Block 2, Homeland Plat, also known as:
1802 Martin Avenue, City of Port Huron,

has been brought to the attention of the City Council by the Building Official as Code Case #06-001 (see City Clerk File #07-54) 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 April 23, 2007, with respect to said property, it is the judgment of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, Section 10-211 and Chapter 34, Section 34-3 of the Code of Ordinances of the City of Port Huron;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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

2. 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 is 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.

Councilmember Neal moved to postpone action until the City Council meeting of August 24, 2007.

Motion *rejected* by the following vote:

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

Motion to adopt resolution *rejected* unanimously.

R-13. Councilmember McCulloch offered and moved the adoption of the following resolution:

WHEREAS, the Port Huron Housing Commission has requested that the Port Huron Police Department provide additional police services beyond what is normally provided; and

WHEREAS, the additional police services will include the policing of specific Housing Commission locations, providing police reports to the Housing Commission, manning a mini-station provided by the Housing Commission to provide a visible police presence, and attending after hour informational meetings to keep the Commission and residents current on neighborhood events/concerns; and

WHEREAS, the Port Huron Housing Commission has agreed to pay the Port Huron Police Department Thirty Five Thousand and 00/100 Dollars ($35,000.00) in payment for these police services; and

WHEREAS, an agreement between the Port Huron Housing Commission and the Port Huron Police Department has been prepared;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement between the Port Huron Police Department and the Port Huron Housing Commission for additional police services and authorizes and directs the appropriate City officials to execute the necessary documents (see City Clerk File #07-85).

Adopted unanimously.

MOTIONS & MISCELLANEOUS BUSINESS

1. Councilmember Sample-Wynn announced that the First Night Port Huron art project (which is displayed in the M.O.C. lobby) was given a creative programming award by First Night International.

On motion (9:42 p.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

(Page intentionally left blank)

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, June 25, 2007, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Reverend 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 meeting of June 11, 2007, were approved.

PRESENTATIONS

1. Robert E. Clegg, City Engineer, gave a presentation on "stop sign" alternatives for flow of traffic through Pine Grove Park.

PUBLIC HEARINGS

1. The Mayor announced that this was the time to hear comments on the application of SMW Automotive, 2223 Dove Street, for an Industrial Facilities Exemption Certificate. (See Resolution #1)

Rene Stephan, EDA, representing SMW Automotive, appeared to be heard.

The Mayor declared the hearing closed.

2. The Mayor announced that this was the time to hear comments on the draft 2007-2011 Parks and Recreation Plan. (See Resolution #8)

Ken Harris, 1521 Wells Street, appeared to be heard requesting that City Council table this because of concerns about the budget.

Katie Byrne, 825 Prospect Place, appeared to be heard agreeing with Ken Harris' statement, complimenting the parks and recreation staff for what they do, and stating that she feels that the proposed improvements to the ice rink at McMorran should not be included and that there should only be one handicapped boardwalk at one beach, that the Quay Street dockage fees should be raised, that the City should charge a fee at the boat launch, that she didn't support any additional millage to support recreation programs, and had questions about having permanent restrooms and a concession stand at Pine Grove Park.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Pat McFarlane, 517 Rawlins Street addressed the City Council with concerns about the lack of a crosswalk in the Pine Grove Park area once the bike path is installed if there are no stop signs and thinks stop signs are best solution to control speed without impeding people driving along the waterfront.

2. Alice O'Neil, 807 Prospect Place, addressed the City Council stating that she is disappointed that there haven't been any solutions to the traffic/pedestrian issue at the north end of Pine Grove Park and she distributed photos she took of potential problems and stated that crosswalks and stop signs are needed at the north end of the park.

3. Ken Harris, 1522 Wells Street, addressed the City Council stating his disagreement with Mike McGee's opinion given at the June 11 City Council meeting and stated he hoped that a competitive bid process was used for Resolution No. 3.

4. Jim Williams, 2301 Stanton Street, addressed the City Council stating that it should be one way through Pine Grove Park with a toll gate and doesn't feel we should spend money on a bike trail.

5. Katie Byrne, 825 Prospect Place, addressed the City Council stating she would like to have the timing of the traffic lights on Pine Grove Avenue checked and that a crosswalk and stop signs are need at the north end of Pine Grove Park.

6. Janice Littlefield, 923 Michigan Street, addressed the City Council and showed them maps of where there are stop signs used for traffic control and that she is concerned about pedestrian traffic in the Michigan/Merchant/Rawlins and Merchant/Michigan/ Lincoln/Huron intersections.

7. David Ellingwood, Peru Village, Port Huron, addressed City Council stating that traffic does not respect people with a cane.

8. Beverly Roberts, 912 Michigan Street, addressed City Council stating that Michigan/Merchant is a blind intersection and is very concerned about it and has concerns about no crosswalk once the bike trail is installed.

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:

June 27: Big Screen Movie (High School Musical) at River Street Marina
June 28: Art in the Park Concert (Stardust Swing Band), Desmond Landing
June 30: Fireworks and community birthday party (with food and entertainment), Desmond Landing/ Acheson Ventures property along the St. Clair River. Visit www.ph150.org for details about other Port Huron Sesquicentennial celebration events.
June 30: Vintage Baseball Game, Lincoln Park
July 1: Canada Day fireworks
July 4: City offices closed in observance of Independence Day
July 5: Art in the Park Concert (Teen Angels), Desmond Landing
July 13: Yard of the Year nominations due

COMMUNICATIONS & PETITIONS

***C-1.** Notification from the Michigan Liquor Control Commission that they have received an application from Brikho Corporation requesting transfer of ownership of 2007 SDD and SDM licensed business located at 2304 Hancock Street from Dunn Company Limited.

Received and filed.

RESOLUTIONS

***R-1.** WHEREAS, SMW Automotive, 2223 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, the Port Huron City Council held a public hearing on June 25, 2007, 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 application for an Industrial Facilities Exemption Certificate for twelve (12) years on real property and six (6) years on personal property and hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the application to the State Tax Commission; and

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

All real property: 12/31/07 to 12/31/19 (12 years)
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 SMW Automotive is located.

Adopted.

***R-2.** WHEREAS, costs totaling Ten Thousand Three Hundred Ninety-Seven and 30/100 Dollars ($10,397.30) have been incurred by the City of Port Huron for demolition work on the following described property EAST 35 FEET OF WEST 90 FEET OF LOT 7, BLOCK 21, BUTLER PLAT, further described as 612 Glenwood Avenue, property no. 74-06-298-0177-000;

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

NOW, THEREFORE, BE IT RESOLVED that the amount of Ten Thousand Three Hundred Ninety-Seven and 30/100 Dollars ($10,397.30) for demolition of the structure at 612 Glenwood Avenue is hereby confirmed and declared a single lot special assessment (see City Clerk File No. 07-86).

Adopted.

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

WHEREAS, the City of Port Huron is exposed to various risks of loss and has purchased commercial insurance for property damage, including buildings, contents and other assets, boiler and machinery, computers and other equipment and other potential losses; and

WHEREAS, such coverage is necessary for the fiscal year beginning July 1, 2007 and ending June 30, 2008; 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 $188,829.00, 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.

Adopted unanimously.

***R-4.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup and/or blight cleanup; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of $685.93 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk File #07-87).

Adopted.

R-5. Councilmember Jacobs 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:

74-06-345-0096-000 Vacant Lot 2400 Block of Nern Street
74-06-476-0087-000 Vacant Lot 2600 Block Armour Street
74-06-476-0088-000 Vacant Lot 2600 Block Wright Street
74-06-476-0089-000 Vacant Lot 2600 Block Wright Street
74-06-333-0001-000 Vacant Lot 3100 Block Electric Avenue

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; and

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 Fourteen Thousand, Five Hundred Sixty-Four and 90/100 ($14,564.90) 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.

Adopted.

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

WHEREAS, Chapter 52, Zoning, Article II, Administration and Enforcement, Division 3, Zoning Board of Appeals, Section 52-105, Fees, and Division 4, Amendments, Section 52-128, Fees, state that the application fees for the zoning board of appeals (variances) and for amendments to (rezoning) shall be adopted by resolution of the City Council of Port Huron and amended, as necessary, by resolution; and

WHEREAS, on May 22, 2006, Council approved the existing fees as follows:

Variance Request	$120.00
Rezoning Request	$240.00

WHEREAS, state law requires the City to publish notice of public hearings in the newspaper and mail notification to surrounding property owners and the costs associated with the City complying with this law necessitate an increase in the fees;

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

Variance Request	$200.00
Rezoning Request	$350.00

Adopted unanimously.

***R-7.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for removal of brush, grass, weeds or similar vegetation, and/or junk, trash, debris, rubbish or refuse; and

WHEREAS, the costs of brush, grass, weeds, and/or junk, trash, debris, rubbish or refuse removal shall be assessed to the property owners pursuant to Chapter 22, Sections 22-83 and 22-108, City of Port Huron Code of Ordinances; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot assessments in the total amount of Three Hundred Ninety and 10/00 Dollars ($390.10) for brush, grass weed, and/or junk, trash, debris, rubbish or refuse removal upon the lots and premises described in the attached special assessment report (see City Clerk File #07-88).

Adopted.

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

WHEREAS, the City of Port Huron's existing five-year Parks and Recreation Plan expired in 2006; and

WHEREAS, before beginning the process of updating the plan, a survey was randomly sent to City residents to receive their views and opinions of the parks and recreation facilities and programs; and

WHEREAS, City administration prepared a draft 2007-2011 Parks and Recreation Plan, taking into consideration the survey results, staff recommendations and a public hearing was held before the City Council on June 25, 2007, to receive further public comment;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the 2007-2011 Parks and Recreation Plan (see City Clerk File #07-43);

BE IT FURTHER RESOLVED that the City Council authorizes the submission of the plan to the Michigan Department of Natural Resources for their review and approval in order to be eligible for state and federal recreation grant programs.

Adopted unanimously.

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

WHEREAS, in December 2005 an agreement with Motorola, Inc., was approved for an upgrade to the police/fire dispatch communications center with installation finalized in May 2006; and

WHEREAS, the one-year warranty period has expired and it is necessary to have available continued technical support, network preventative maintenance and onsite repair; and

WHEREAS, an agreement has been prepared between the City of Port Huron and Motorola, Inc., for the service period of June 1, 2007, through June 30, 2008, in the amount of $14,801.93 to provide technical support, network preventative maintenance and onsite repair;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Motorola, Inc., to provide technical support, network preventative maintenance and onsite repair to the police/fire dispatch communications center and authorizes the appropriate City officials to execute the necessary documents (see City Clerk File #07-89).

Adopted unanimously.

***R-10.** WHEREAS, the State of Michigan offers a new type of on-premises liquor license pursuant to PA 501 of 2006, specifically Section 521a (1) (b) ("Development Authority Districts") of the Michigan Liquor Control Code of 1998, being MCL 436.152a(1) (b); and

WHEREAS, to obtain one of these licenses a business must be located in a redevelopment project area and engaged in dining, entertainment, or recreation, and is open to the general public and has a seating capacity of more than 50 persons; and

WHEREAS, the DDA was established in accordance with Public Act 197 of 1975, State of Michigan, and the 1975 City Code, Sections 34-35 through Section 34-39, as amended, and was created, in part, to correct and prevent further deterioration within the district and promote economic growth;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby establishes a redevelopment project area within the existing boundaries of the Downtown Development Authority District as depicted in Exhibit A (see City Clerk File #07-90).

Adopted.

***R-11.** WHEREAS, the State of Michigan offers a new type of on-premises liquor license pursuant to PA 501 of 2006, specifically Section 521a(1) (b) ("Development Authority Districts") of the Michigan Liquor Control Code of 1998, being MCL 436.152a(1) (b) ;and

WHEREAS, the Port Huron City Council has received a request for their support of an application for a license under Section 521a (1) (b) from Harris Restaurants, Inc. (DBA Casey's Pizza and Sub Shop) 628 Huron Avenue, Port Huron, Michigan, which is located within the boundaries of the City's Downtown Development Authority; and

WHEREAS, the total amount of private and public investment in real and personal property in the development district totals well over $200,000 for the preceding 5 years; and

WHEREAS, Harris Restaurants, Inc. (DBA Casey's Pizza and Sub Shop) is engaged in dining, entertainment, or recreation, and is open to the general public and has a seating capacity of more than 50 persons; and

WHEREAS, it is the intention of the City Council to prevent further deterioration within the development district and promote economic growth;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby supports and recommends that the Michigan Liquor Control Commission "approves above all others" the application of Harris Restaurants, Inc., (DBA Casey's Pizza and Sub Shop) 628 Huron Avenue, Port Huron, for a Tavern license issued pursuant to PA 501 of 2006, Section 521a (1) (b).

Adopted.

MOTIONS & MISCELLANEOUS BUSINESS

1. Bob Clegg, City Engineer, gave a brief report on the timing of traffic signals stating that Pine Grove Avenue is under the jurisdiction of MDOT.

2. Councilmember Fisher announced that there would be a Welkin Base Ball game on June 30 at 1 p.m. in Lincoln Park, playing against the Bay City Independents.

On motion (8:50 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 9, 2007, 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 25, 2007, were approved.

PRESENTATIONS

1. Shaun Groden, St. Clair County Administrator, gave a presentation on the County's proposal to levy a 1/2 mill property tax to complete and operate the 800 MHz enhanced emergency communication system. Tom Reilly, Central Dispatch Authority, also gave comments.

PUBLIC HEARINGS

1. The Mayor announced that this was the time to hear comments an alternative traffic control measures that could be implemented to address the volume and flow of traffic through Pine Grove Park and the surrounding neighborhoods.

The City Clerk read into the record a letter from Katie Byrne, 825 Prospect Place, requesting that a complete study be done that includes Prospect Place and the Thomas Edison Parkway or do nothing as she feels the proposals are based on incomplete data.

Doug Baribeau, 8308 Lakeshore Road, owner of business on Lincoln and Superior, appeared and complimented the City and the construction crew on the recent work in front of his business and stated that he was concerned about one-way traffic in front of the water plant and the traffic congestion this would cause after events. He thinks stop signs would help the speeding issue.

Marie Armbruster, 3135 Conger Street, appeared stating that Pine Grove Park is a gem and that she would hate to see traffic stopped from going through the park and instead suggested monitoring and cameras to identify drivers that speed and perhaps temporary speed bumps.

Steve Thornton, 2862 Armour Street, appeared stating his displeasure at the changes being proposed for Pine Grove Park stating that there needs to be more enforcement and higher fines for speeding, illegal parking and noise violations instead.

Alice O'Neil, Prospect Place, appeared stating that the problems with traffic, etc., in Pine Grove Park is a seasonal problem but that she and her neighbors have it 24/7. Also, she distributed map of the park and stated that there needs to be a study done of traffic, sidewalks, etc., and that water trucks and other semis should be prohibited and that there should be seasonal speed bumps.

Beverly Roberts, 912 Michigan Street, appeared and read comments are how Pine Grove Park needs to remain the jewel that it is and that no study has been done since the Thomas Edison Parkway was opened. She stated that there are no crosswalks for pedestrians and the neighborhood is concerned about the community not just their area.

Kristin Jurs, 408 Stanton Street, appeared stating that the City's master plan calls for controlling speeds in neighborhoods and supports the resolution installing stop signs but doesn't think it corrects problem at Prospect Place. She thinks that to control the speed and volume the traffic needs to be on Pine Grove Avenue and not through the park and that a study should be done. She complimented Bob Clegg, City Engineer, on his efforts to address the concerns of the neighbors.

Lance Desjardin, 914 Michigan Street, appeared stating that their home at this address has been in their family for many years and they enjoy coming to the area but that they noticed an increase in traffic this year and asked that Council look at the safety of children in the park and control the quantity in volume and speed.

Pat McPharlin, 517 Rawlins Street, appeared stating that the traffic issues has not always been a problem in the park but now that the dirt area has been paved it is and that they are looking at pedestrian safety as well as traffic and recommends that Resolution 5 be adopted even if it is temporary.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Alice O'Neil, Prospect Place, addressed the City Council with further comments about Pine Grove Park and how she almost witnessed a child being hit by a car and suggested that Blue Water Transit be used for shuttling people back and forth to a remote parking area for big events.

2. Beverly Roberts, 912 Michigan Street, addressed the City Council adding that perhaps the vacant lots that Port Huron Hospital cleared but is not using right now could be a site for parking.

3. Trina Avedesian, 1419-15th Street, addressed the City Council reading comments about her dissatisfaction with the recent roundtables and why were only "quality of life" reductions suggested and stated that each City department should cut expenses by 10 to 15% instead of raising rates for those who can't afford the increase. She also stated that people are selling their homes and leaving Port Huron because of this and that she believes that part of the increase will be used to pay back the land purchase fund and that would be wrong.

4. Steve Thornton, 2862 Armour Street, addressed the City Council thanking Ms. Avedesian for her comments and stated that he had called a real estate agent this day about selling his home because of blighted properties in the area stating that he has complained about 2852 Armour Street and about a house that has a car engine in the front yard and that when he called today he was told there was no record of this. He feels that the City needs to clean up.

5. Lance Desjardin, 914 Michigan Street, addressed the City Council stating that he does not agree with the placement of the bike path in that it is designed so that people have to cross the street.

6. Khalil Chaudry, Port Huron, addressed City Council stating shock at use of prayer before meeting.

7. Jean Webb, Port Huron, addressed City Council stating she feels they don't take Port Huron residents seriously enough and that they do not want to pay any more for water and sewer. Feels City could take some practical measures to reduce costs such as no sprinkling and turn down air conditioning and that all departments

should cut 25% out of their budget now. Also stated she faxed a FOIA request on June 27 that was not responded to.

8. Dick Cummings, Avoca, addressed City Council on behalf of the casino committee and machinist's union asking for the adoption of Resolution No. 11 stating concerns about the economy and that the casino would help.

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:

Upcoming events:

July 11:	Big Screen Movie (Ice Age: Meltdown) at Roosevelt School
July 12:	Art in the Park Concert (Kaleidoscope) at Desmond Landing
July 13:	Yard of the Year nominations due
July 13-14:	Antique & Classic Auto Parade and Show
July 15:	Southside Blues & Jazz Festival (Lincoln Park)
July 16:	Downtown sidewalk sales; Council on Aging Sesquicentennial Dinner-Dance
July 17-21:	McDonagh Amusements Carnival, McMorran parking lot
July 18:	Rotary International Day Parade, 6:30 p.m., downtown
July 19-21:	Port Huron to Mackinac Race activities (Race Day is Sat., July 21)
July 25:	Big Screen Movie (Charlotte's Web) at Crull School
July 26:	Art in the Park Concert (Square Peg) at Desmond Landing
July 31:	Spirit of Port Huron nominations due
Aug. 1:	Big Screen Movie (Benchwarmers) at Lincoln Park
Aug. 2:	Art in the Park concert (X Generation) at Desmond Landing
Aug. 7:	Big Screen Movie (The Princess Bride) at Optimist Park
Aug. 7:	National Night Out activities

Visit www.ph150.org for details about Port Huron's Sesquicentennial celebration.

FROM THE CITY MANAGER

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

On May 10, 2007, the City received three quotes (3) for one (1) Mower to be used by the Parks/Forestry department, as follows:

Jones Equipment Rental Sales and Service	$ 7,800.00
Summit Power Center	$11,215.00
Rosy Brothers	$11,800.00

It is recommended that the quote from Jones Equipment Rental Sales and Service, 4600 - 24th Avenue, Fort Gratiot, Michigan 48059 in the amount of Seven Thousand, Eight Hundred and 00/100 Dollars ($7,800.00) be accepted and that the appropriate City Officials be authorized to execute the necessary documents.

Motion *rejected* by the following vote:

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

RESOLUTIONS

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

BE IT RESOLVED that the Finance Director is hereby authorized to pay the attached payments. (See City Clerk File #07-01)

Adopted unanimously.

***R-2.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for removal of noxious weeds or unlawful growths or blighting factors; and

WHEREAS, the costs for removing noxious weeds or unlawful growths or blighting factors shall be assessed to the property owners pursuant to Chapter 22, Sections 22-83 and 22-108, City of Port Huron Code of Ordinances; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot assessments in the total amount of One Thousand Three Hundred Ninety Three and 00/100 dollars ($1,393.00) upon the lots and premises described in the attached special assessment report (see City Clerk File #07-91) for the cost of removing noxious weeds or unlawful growths or blighting factors.

Adopted.

R-3. WITHDRAWN.

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

WHEREAS, it is necessary that the contractor for the 7th Street Bridge Rehabilitation 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, the bids received to rehabilitate the bridge were lower because a suitable staging area was provided to the bidders; and

WHEREAS, a lease has been prepared between the City of Port Huron and Anlaan Corporation for City owned property, as described below, for use as the staging area for contractor's work on the 7th Street Bridge Rehabilitation project:

Block 16 of Butler Plat recorded in liber B, page 16 of Plats and further shown on "the survey of Block 15, Butler Plat" according to the Plat thereof recorded in liber 17 of Plats, page 163, St. Clair County records is an area 240' by 100' of the west half of Lot No. 12, Lot Nos. 13, 14, 15 & 16, commonly referred to as the west half of the West Quay Parking lot.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached lease with Anlaan Corporation for use of City owned property during the 7th Street Bridge Rehabilitation project and authorizes the appropriate City officials to execute said agreement. (See City Clerk File #07-92)

Motion adopted by the following vote:

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

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

WHEREAS, the City Council has received a request from neighboring residents to limit the speed of traffic in the vicinity of Pine Grove Park; and

WHEREAS, the City staff has presented three alternatives to address this request, including;

- retain the existing traffic configuration
- implement a one-way traffic flow
- install various stop signs; and

WHEREAS, the City Council desires to construct a recreation trail through the same area; and

WHEREAS, the proposed design for this recreation trail involves pedestrian crossings that make the installation of stop signs desirable to protect bicyclists and pedestrians; and

WHEREAS, City ordinance allows for stop signs to be installed under temporary traffic control orders and after a 60-day review period, the temporary order is then submitted to Council for their authorization to make the installation of the stop signs permanent; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby directs the City Administration to install stop signs, under a Temporary Traffic Control Order, on north and southbound Michigan Street at Lincoln Avenue and northbound and southbound Merchant Street at Michigan Street.

Councilmember Neal moved to amend resolution by adding that stop signs be installed at the "table top between the concrete pillars" on Michigan Street in Pine Grove Park.

Motion to amend adopted unanimously.

Resolution, as amended, adopted unanimously.

***R-6.** WHEREAS, the City Manager has issued Temporary Traffic Control Order No. 1185 effective May 25, 2007, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

LASALLE BOULEVARD - There shall be "NO PARKING" on the south side of LaSalle Boulevard east of Gratiot Avenue.

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

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

Adopted.

***R-7.** WHEREAS, the City Manager has issued Temporary Traffic Control Order No. 1186 effective May 25, 2007, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

EDISON BOULEVARD - There shall be "NO PARKING" on the south side of Edison Boulevard east of Gratiot Avenue.

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

BE IT FURTHER RESOLVED that said Traffic Control Order be filed and enforced in keeping with the appropriate laws as contained in the Statues 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. 1188 effective May 25, 2007, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

SHERMAN COURT - There shall be "NO PARKING" on the east side of Sherman Court.

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-9.** WHEREAS, the SC4 Foundation has made application to the Bureau of State Lottery for a gaming license to conduct a raffle; and

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron does hereby recognize the SC4 Foundation as a nonprofit organization in the City of Port Huron.

Adopted.

***R-10.** WHEREAS, the Recreation Department offers a variety of youth and adult programs and family activities for the community to participate in throughout the summer; and

WHEREAS, the donation of funds has made the continuation and expansion of programs currently offered possible;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby acknowledges and publicly thanks the Acheson Foundation and Dr. James C. Acheson for their generosity and support of the City's Recreation Department's mission to provide recreational opportunities for our citizens with their donation of funds.

Adopted.

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

WHEREAS, the Bay Mills Indian community has proposed establishing an Indian gaming casino on the property occupied by the Thomas Edison Inn which was approved by the City of Port Huron electorate in June of 2001; and

WHEREAS, the Bay Mills Indian community has a contract to purchase the Thomas Edison Inn property and entered into a gaming compact with Governor Engler which would cover the Thomas Edison Inn property and the only approval which must be completed is approval of acquisition of the Thomas Edison Inn property as part of a land claim settlement under the Indian Gaming Regulatory Act; and

WHEREAS, the construction of a casino at the Thomas Edison Inn property and the operation of the resort property after completion of construction would bring thousands of badly needed jobs to the City of Port Huron; and

WHEREAS, the City of Port Huron suffers from chronic, high unemployment and despite substantial efforts by the City of Port Huron and the Economic Development Alliance such conditions persist and absent the construction of the casino and resort property at the Thomas Edison Inn location there is little hope of any substantial reduction in unemployment in the City of Port Huron; and

WHEREAS, the City of Port Huron also faces potential economic and social hardship as a result of the potential construction of the Blue Water Bridge Plaza in the City of Port Huron which would result in the closure of many businesses and the loss of many residences; and

WHEREAS, construction of the casino and the resort property would replace jobs and badly needed tax base; and

WHEREAS, the City of Port Huron is also facing substantial budgetary challenges which could be at least partially offset by the construction of the casino and the resort on the Thomas Edison Inn property all of which are badly needed in the City of Port Huron;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby requests that the congressional delegation comprised of Senator Carl Levin, Senator Debbie Stabenow and Representative Candice Miller provide their full support and use their best efforts to obtain final approval for the land claim settlement which will permit the Bay Mills Indian community to establish a casino at the Thomas Edison Inn property.

Motion adopted by the following vote:

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

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

WHEREAS, the City of Port Huron owns the Water Street Marina near the I-94 Bridge over the Black River; and

WHEREAS, the voters of the City of Port Huron authorized the sale or long-term lease of the Water Street Marina to the James C. Acheson Foundation on November 8, 2005; and

WHEREAS, the Water Street Marina was developed by use of several grants that included in the grant agreement a provision requiring the approval of the State of Michigan Waterways Commission to sell, lease or otherwise dispose of the marina during the life of the facility and to repay the State the grant monies used to develop the facility in the event they did approve the conveyance of the marina; and

WHEREAS, the City Administration has negotiated a settlement agreement with the Michigan State Waterways Commission authorizing the conveyance of the Water Street Marina and establishing the amount of the grant monies that must be repaid to the Waterways Commission;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached agreement with the Michigan State Waterways Commission, which authorizes the conveyance of the Water Street Marina, and authorizing the appropriate City officials to execute said agreement. (See City Clerk File #07-93).

Adopted unanimously.

AT THIS POINT, Mayor Cutcher asked if any Councilmember had business to bring before them before a motion was adopted to go into closed session.

Councilmember Fisher stated that the Welkin Base Ball Club would be playing July 15 at Lincoln Park and that they would be at a tournament at Greenfield Village August 3-5.

City Manager Karl Tomion, per request of Mayor Cutcher, commented on remarks about only suggesting “quality of life” issues as ways of reducing costs stating that those services are 70% of the City’s expenditures and it would be impossible to make up necessary funds without impacting those services such as fire, police, parks and recreation and that there needs to be a balance. He also stated that no money from any increases in water/sewer would be going to pay back the land purchase fund.

R-13. Councilmember Neal offered and moved the adoption of the following resolution:

WHEREAS, City Council has a need to discuss material exempt from discussion or disclosure by state or federal statue;

NOW, THEREFORE, BE IT RESOLVED that City Council hereby enters into a closed session to discuss labor negotiations, pursuant to Section 8(h) of the Open Meetings Act.

Adopted unanimously and at 10 p.m. entered into closed session in Conference Room 101.

On motion (10:50 p.m.), Council reconvened in regular session.

On motion (10:51 p.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

(Page intentionally left blank)

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, August 13, 2007, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Chaplain Linda Amato, Mercy 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 July 9, 2007, were approved.

PRESENTATIONS

1. Lee Stevens, AIA, Architect, presented the "Guide to Port Huron Architecture."

PUBLIC AUDIENCES

1. Eric Smallwood, 2834 Riverside Drive, addressed the City Council in support of Recreation Department and its programs and stated he does not want to see them cut with the budget problems. He stated that he works for a marketing firm and has seen many cities across the country and suggested that Port Huron look toward generating more revenue rather than cutting services or increasing taxes. Some of his ideas included bottling water, selling advertising on uniforms or fencing at parks, city-wide beverage pouring rights, or cellular program and asked that Council look at potential opportunities he presented (see City Clerk File #07-104).

2. Pam Long, 4008 Electric Avenue, addressed the City Council stating that she wonders whether in light of recent stories (Hutka) that maybe Council should work together and perhaps City would be in better shape and that Council did not adhere to warnings of sewer separation costs, ignores downtown and has spent lots of money on many studies and done nothing, that DDA does nothing with money given them, that Terra Land is still interested and that West Quay lot is doable and perhaps Acheson Ventures is not enthusiastic about moving on because of no action north of Military Street bridge. She further stated that City Council and the City Manager have no vision and no plan for improvements or developments to attract people downtown and it is unacceptable that Council spent three years on Pine Grove Park issue while downtown goes downhill.

3. Khalil Chaudry, 1802 Martin Street, addressed the City Council stating he believes City Council is in violation of the First Amendment by having an invocation at the beginning of the meeting.

4. Julie Louks, 1819 N. Woodland Drive, addressed the City Council relative to the seven homes (including theirs) that flooded in Colonial Woods Subdivision during the recent heavy rain due to the sewer separation project and thanked the City Manager for his quick response and asked that he continue to work with Boddy Construction and their insurance company to assure that people get reimbursed and can restore their homes.

5. Ken Harris, 1521 Wells Street, addressed the City Council relative to the article in Sunday's paper (Hutka) stating it did not surprise him but that he feels the taxes on Hutka's home should reflect sale. He further stated that he comes to many meetings and that he thinks others care as well but that Council needs to communicate that they want input and he asked for explanations of Resolutions 5, 10 and 12.

6. Cynthia Fullgrapp, 3111 E. Woodland Dr., addressed the City Council relative to the flooding in Colonial Woods subdivision and submitted questions about the sewer separation project that she would like answered. (See City Clerk File #07-105)

AT THIS POINT, Bob Clegg, City Engineer, addressed the issue of the Colonial Woods subdivision and the flooding problem.

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:

Upcoming events:
Aug. 24-26: Coast Guard Appreciation Days
Aug. 25: Welkin Vintage Base Ball Game, Lincoln Park, 2 p.m.
Aug. 25-26: Art on the Avenue, downtown
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 have the City Clerk read it into the record:

Letter from Christine Di Giacinto-Davis, 2912 Riverside Drive, expressing her support of the recreation programs and desire that they continue.

Adopted unanimously.

C-2. Councilmember Sample-Wynn offered and moved to receive and file the following communication and designate Mayor Cutcher as the delegate and Councilmember Sample-Wynn as the alternate:

Notification from the Michigan Municipal League that the Annual Convention will be held September 18-20, 2007, at the Grand Traverse, Acme, Michigan, and requesting designation of a voting delegate and alternate.

Adopted unanimously.

C-3. Councilmember Sample-Wynn offered and moved to receive and file the following communication and grant their request.

From Blue Water Habitat for Humanity requesting that all permit fees and related application fees associated with building eight new homes on the City's south side be waived.

Adopted unanimously.

***C-4.** Transmitting the Zimmerman/Volk Associates, Inc., Target Market Analysis Study and scheduling a presentation on the report for September 10, 2007 (see City Clerk File #07-94).

Received and filed and presentation to be placed on September 10, 2007, Council agenda.

C-5. Councilmember Neal offered and moved to receive and file the following report:

Transmitting the updated Southside Strategic Land Use Plan (see City Clerk File #07-95).

Adopted unanimously.

FROM THE CITY MANAGER

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

On August 1, 2007, the Port Huron Fire Department received a quote for two-way radios compatible with the Michigan Public Safety Communications System, as part of the State of Michigan Extended Purchasing Program (MI DEAL), as follows:

Motorola, Inc.	$146,459.50

It is recommended that the quote of Motorola, Inc., 925 Alexandria Drive, Lansing, MI 48917, in the amount of One Hundred Forty-Six Thousand Four Hundred Fifty-Nine and 50/100 Dollars ($146,459.50) in accordance with the State of Michigan Extended Purchasing Program (MIDEAL) be accepted, with funding from the Department of Homeland Security Emergency Preparedness and Response Directorate (DHS-EP&R/FEMA) for the FY2006 Assistance to Firefighter Grant Program (AFGP), and authorizing the appropriate City officials 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, 2007. 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.

Adopted.

RESOLUTIONS

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

BE IT RESOLVED that the Finance Director is hereby authorized to pay the attached payments. (See City Clerk File #07-01)

Adopted unanimously.

***R-2.** WHEREAS, costs totaling Two Thousand Eight Hundred Thirty-Two and 53/100 Dollars ($2,832.53) have been incurred by the City of Port Huron for demolition proceedings on the following described property LOT 14 BLK 228 JENKS' LAPEER AVENUE PLAT, further described as 721 - 15th Street, property no. 74-06-452-0047-000;

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

NOW, THEREFORE, BE IT RESOLVED that the amount of Two Thousand Eight Hundred Thirty-Two and 53/100 Dollars ($2,832.53) for demolition proceedings of the structure at 721 - 15th Street is hereby confirmed and declared a single lot special assessment (see City Clerk File #07-96).

Adopted.

***R-3.** WHEREAS, costs totaling Three Hundred Eighty-Three and 30/100 Dollars ($383.30) have been incurred by the City of Port Huron for demolition proceedings on the following described property LOTS 180 & 181 BLK G PLAT OF THAT PORTION OF THE LIGHTHOUSE RESERVATION AT FORT GRATIOT SOLD IN ACCORDANCE WITH ACT OF CONGRESS APPROVED JANUARY 24, 1873, further described as 2612 Armour Street, property no. 74-06-476-0086-000;

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

NOW, THEREFORE, BE IT RESOLVED that the amount of Three Hundred Eighty-Three and 30/100 Dollars ($383.30) for demolition proceedings of the structure at 2612 Armour Street is hereby confirmed and declared a single lot special assessment (see City Clerk File #07-97).

Adopted.

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

WHEREAS, the State of Michigan offers a new type of on-premises liquor license created by Act 501 of the Public Acts of 2006, being Section 521a(1) of the Michigan Liquor Control Code of 1998, being MCL 436.1521a(1); and

WHEREAS, the Port Huron City Council has received a request for support from Raven Coffeehouse, Inc., requesting a Class C license under MCL 436.1521a(1)(a) with Entertainment permit, located within the boundaries of the Downtown Development Authority and redevelopment project area at 932 Military Street, Port Huron, Michigan, St. Clair County; and

WHEREAS, the total amount of private and public investment in real and personal property in the development district totals well over $200,000 for the preceding 5 years; and

WHEREAS, Raven Coffeehouse, Inc., is engaged in dining, entertainment, or recreation, and is open to the general public and has a seating capacity of more than 50 persons; and

WHEREAS, it is the intention of the City Council to prevent further deterioration within the development district and promote economic growth;

NOW, THEREFORE, BE IT RESOLVED, that the Port Huron City Council hereby supports and recommends that the Michigan Liquor Control Commission approve " *above all others"* the application of Raven Coffeehouse, Inc., 932 Military Street, Port Huron, for a Class C liquor license issued under MCL 436.1521a(1)(a).

Adopted unanimously.

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

WHEREAS, Governor Jennifer Granholm and many legislators have called on local governments to consolidate services and create cost savings for local taxpayers; and

WHEREAS, the greatest expenditures for local units of government are in personnel expenses; and

WHEREAS, local governments and officials seek efficiencies in government on a regular basis in order to save taxpayer dollars; and

WHEREAS, it is prudent for communities to consolidate in order to save dollars and create efficiencies; and

WHEREAS, consolidations involve disparities of compensation in existing contracts that provide for salary, benefits, health care, pensions, etc., that usually need to be on the same level as a practical matter when discussing the agreements with the local employee unions; and

WHEREAS, the Urban Cooperation Act (PA 7 of 1967), Intergovernmental Transfer of Functions and Powers Act (PA 8 of 1967), Emergency Services to Municipalities Act (PA 57 of 1988), and Metropolitan Councils Act (PA 292 of 1989) contain language which acts as a disincentive for consolidation of services; and

WHEREAS, language within the acts provide that transferred employees performing under contracts for consolidated service shall be in no worse position with respect to wage and benefits than prior to the transfer; and

WHEREAS, elimination of this language would result in more consolidation and collaboration with taxpayer savings since new contracts can effectively be collectively bargained; and

WHEREAS, elimination of this language will not affect current contracts (which are protected in the act), but will allow for more productive immediate negotiations upon consolidation; and

WHEREAS, these changes are found in SB 550 and 551; and

WHEREAS, these changes were in the original version of HB 4266 and HB 4246, but were amended out of the bills when passed by the House of Representatives; and

WHEREAS, these acts, in conjunction with PA 312 of 1969, discourage fire and police consolidation and any local savings to taxpayers because control of the bargaining process is taken out of the hands of the locals and given to an independent arbitrator who is restricted by the language prohibiting employees from being harmed in the consolidation acts.

NOW, THEREFORE, BE IT RESOLVED, that the City of Port Huron requests that the Legislature and Governor approve SB 550 and 551, the original versions of HB 4266 and 4246, or any other legislation that amends the Urban Cooperation Act (PA 7 of 1967), Intergovernmental Transfer of Functions and Powers ct (PA 8 of 1967), Emergency Services to Municipalities Act (PA 57 of 1988), and Metropolitan Councils Act (PA 292 of 1989) to remove the language that prevents employees from being harmed so that new contracts can be negotiated with a result of savings to taxpayers and communities; and to allow communities to create new contracts through collective bargaining after consolidation; and to save taxpayer dollars and create local government efficiencies.

Adopted unanimously.

***R-6.** 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 2007 has been called for on Tuesday, September 18 through Thursday, September 20, 2007 at the Radisson Plaza Hotel, Kalamazoo, Michigan; and

WHEREAS, the City Clerk has certified the name of John Zielke as the employee delegate, 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 the officer alternate, in accordance with the recommendation of the City Manager.

Adopted.

***R-7.** BE IT RESOLVED THAT the following taxi cab licenses for 2007-08 (November 1, 2007 through October 31, 2008) are hereby approved subject to the condition that the license 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-8**. WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for removal of noxious weeds or unlawful growths or blighting factors; and

WHEREAS, the costs for removing noxious weeds or unlawful growths or blighting factors shall be assessed to the property owners pursuant to Chapter 22, Sections 22-83 and 22-108, City of Port Huron Code of Ordinances; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot assessments in the total amount of $8,348.79 upon the lots and premises described in the attached special assessment report (see City Clerk File #07-98) for the cost of removing noxious weeds or unlawful growths or blighting factors.

Adopted.

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

WHEREAS, the City Council approved a contract with Waste Management, Inc., to provide solid waste/recycling services for a five-year period on April 10, 2006; and

WHEREAS, the contract that was approved by City Council included provisions for fuel surcharges and credits; and

WHEREAS, the terms of this provision of the contract have become a concern of Waste Management, Inc., and the City of Port Huron due to the volatility and uncertainty of fuel costs; and

WHEREAS, Waste Management, Inc., and the City of Port Huron have agreed upon a revised fuel surcharge formula which will benefit both parties;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the first amendment to the contract between Waste Management, Inc., and the City of Port Huron to provide solid waste/recycling services through June 30, 2011 and authorizes the appropriate City officials to execute the amendment (see City Clerk File #07-99).

Adopted unanimously.

10-11. Councilmember Neal offered and moved the adoption of the following resolutions:

R-10. WHEREAS, the Wastewater Treatment Plant provides for the treatment of liquid waste from the City and four townships in accordance with our National Pollutant Discharge Elimination System (NPDES) permit; and

WHEREAS, the City uses the latest automated computer control system to operate the facility efficiently with minimum staffing levels; and

WHEREAS, the City Council on February 28, 2005 authorized an agreement with Tetra Tech MPS to provide professional computer programming services including evaluation of alternative software packages at the Wastewater Treatment Plant; and

WHEREAS, the existing software program that operates the plant is no longer supported by the original vendor; and

WHEREAS, Tetra Tech MPS evaluated alternative software packages to replace the existing control software; and

WHEREAS, after evaluating several software packages through a competitive process the consultant is recommending the City purchase Wonderware Intouch 9.5 software and customer support;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Invensys Systems, Inc., for the purchase of Wonderware Intouch 9.5 software and customer support phase I and authorizes the appropriate City officials to execute the agreement (see City Clerk File #07-100).

R-11. WHEREAS, it is necessary to replace the City's aging process control system software; and

WHEREAS, on February 28, 2005 City Council authorized an agreement with Tetra Tech to perform professional computer programming services including evaluation of alternative software packages at the Wastewater Treatment Plant; and

WHEREAS, the consultant has conducted a study to replace the City's outdated control software; and

WHEREAS, specialized computer programming is necessary to assure that the new process control system software will properly operate the City's Wastewater Treatment Plant and receive data from over 20 remote sites throughout the City; and

WHEREAS, the consultant will program and test the new system to assure it will integrate seamlessly with plant operations; and

WHEREAS, the consultant will train City staff on the operation and use of the new process control system;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Tetra Tech MPS for professional computer programming and staff training at the Wastewater Treatment Plant and authorizes the appropriate City officials to execute the agreement (see City Clerk File #07-101).

Motion to adopt Resolutions 10 and 11 adopted by the following vote:

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

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

WHEREAS, the 2007 amendments to the 2000 Update of the Solid Waste Management Plan has been adopted by the Solid Waste Management Planning Committee and the St. Clair County Board of Commissioners; and

WHEREAS, these amendments to the Plan must be approved by 67% of the communities in the County before submission to the Michigan Department of Natural Resources; and

WHEREAS, the 2007 amendments to the Plan as prepared, is satisfactory to the City of Port Huron;

NOW, THEREFORE, BE IT RESOLVED that the 2007 amendments to the 2000 Update of the St. Clair County Solid Waste Management Plan, prepared pursuant to Part 115 of Public Act 451 as amended and the rules promulgated thereunder for St. Clair County, is herby approved by the City Council for the City of Port Huron.

AT THIS POINT, Bill Kaufman, Planning Director, St. Clair County, and Matt Williams, Director of Smiths Creek Landfill, appeared to explain the amendments.

Councilmember Sample-Wynn moved to postpone action until the meeting of August 27, 2007 (amendments to be given to City Council to review).

Motion adopted by the following vote:

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

***R-13.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup in the right-of-way; and

WHEREAS, the cost for trash pickup in the right-of-way shall be assessed to the property owner(s) pursuant to City ordinances, Sections 38-11, 40-19, and 42-17; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of $921.22 for special trash pickup in the right-of-way upon the lots and premises described in the attached special assessment report (see City Clerk File #07-102).

Adopted.

***R-14.** WHEREAS, the City Council has received and considered the attached Preliminary Code Enforcement Report for Code Case #07-005**,** 725 Chestnut Street (see City Clerk File #: 07-103) 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:

South 136.45 feet Lot 12, Block 26, White Plat, also known as: 725 Chestnut Street, Port Huron, Michigan; and

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

WHEREAS, the City Council believes it is warranted in conducting a public hearing and investigation pursuant to such provisions of Chapter 10 and Chapter 40 of said Code for the purpose of ascertaining and determining for itself whether such condition or conditions exist;

NOW, THEREFORE, BE IT RESOVLED, that:

1. The City Council of the City of Port Huron shall conduct a public hearing on September 10, 2007, at 7:30 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, 100 McMorran Boulevard, for the purposes and according to the procedures referred to above; and

2. The City Clerk shall:

(a) Notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's record, at least ten (10) days in advance of the date herein set for such hearing and investigation. The notice shall state that the interested parties will be given the opportunity to state their case for or against bringing this property up to code or demolition of this property, at the time of the public hearing.

(b) Cause a notice to be published in the Times Herald newspaper at least ten (10) days in advance of said hearing. The notice herein required shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Chapter 10, Section 10-211, and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron.

(c) Provide for the recording of such hearings.

Adopted.

R-15. Councilmember Sample-Wynn offered and moved the adoption of the following resolution:

WHEREAS, the City Council's employment agreement with the City Manager provides that he "shall be evaluated annual based on the criteria and evaluation instrument established by the City Council with input from the City Manager"; and

WHEREAS, as the City Manager has been employed by the City Council for one year; and

WHEREAS, the City Council desires to set a meeting to conduct this evaluation;

NOW, THEREFORE, BE IT RESOLVED that a committee of Councilmembers Fisher, Neal and Sample-Wynn meet to review the process to be used to evaluate the City Manager and report back at the Monday, August 27, 2007 meeting and that a special session of the City Council is scheduled for Monday, September 10, 2007, prior to the regular meeting, for the actual evaluation.

Adopted unanimously.

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 to operate a family day care home (six or fewer children) at 1121 Myrtle Street; and

WHEREAS, on August 7, 2007, the City of Port Huron Planning Commission held a public hearing to receive comments on the proposal; and

WHEREAS, the Planning Commission, after due consideration, recommended approval of the request (vote: 8 ayes; 0 nays; 1 absent; 0 abstained), contingent upon the applicant installing a six foot high solid screening fence around the play area and paving of the driveway in the spring of 2008;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the Zoning Administrator to issue a special use permit to operate a family day care home at 1121 Myrtle Street, contingent upon the installation of a six foot high solid screening fence around the play area and paving of the driveway in the spring of 2008.

Adopted unanimously.

***R-17.** WHEREAS, LDM Technologies, Inc., 2233 Petit 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, September 10, 2007, in order to hear comments on the application of LDM Technologies, 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.

ORDINANCES

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

AN ORDINANCE TO AMEND CHAPTER 24, FIRE PREVENTION AND PROTECTION, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF ADDING AN ARTICLE III, COST RECOVERY FOR FIRE DEPARTMENT HAZARDOUS MATERIALS RESPONSES AND CLEAN-UP, TO ALLOW THE CITY TO RECOVER COSTS FOR CERTAIN FIRE AND EMERGENCY SERVICES.

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

MOTIONS & MISCELLANEOUS BUSINESS

1. Councilmember Fisher stated that the Welkin Base Ball Club was recently at a recreated 1867 tournament at Greenfield Village and Port Huron was used in all their public relations material and it was a great opportunity to promote Port Huron. Also, encouraged everyone to attend their last game of the season on August 25, 2 p.m., Lincoln Park and gave their website, www.welkinbbc.com

2. Councilmember Sample-Wynn asked when Council would be receiving the written report on the roundtable sessions (City Manager stated at the August 27, 2007, meeting).

3. Mayor Cutcher talked about the success of National Night Out on Tuesday, August 7. Additionally, he asked that administration look at Mr. Smallwood's presentation (see Public Audiences) and meet with him and report back to City Council.

On motion (9:17 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, August 27, 2007, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Reverend 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 meeting of August 13, 2007, were approved.

PRESENTATIONS

1. Susan Watkins and Tweed Kezziah of Kezziah Watkins gave a PowerPoint presentation on the results from the June budget roundtable sessions. (See City Clerk File #07-106)

PUBLIC AUDIENCES

1. Joanne Rumford, 3540 Parkway Drive, addressed the City Council stating that she was in Group 7 of the roundtables and they talked about casino, Blue Water Bridge and sewer separation and hates to see Port Huron go down the drain and that Port Huron voted for casino and doesn't want to see it go to the township. She said we need "to adopt a couple of townships" and that although she know lines need to be drawn somewhere she doesn't want to see jobs and services cut. Additionally, she thanked everyone for their involvement in roundtables and thanked Karl for coming back to Port Huron.

2. David Ellingwood, Peru Village, addressed the City Council calling attention to the need for accessibility street lights for the blind and visually impaired.

3. Trina Avedisian, 1419 15th Street, addressing the City Council stating she was disturbed about what things are going on behind the backs of residents and that there is a lack of trust in City Council; thinks there is a need to send back the budget to the drawing table and do not ask for more rate increases but start cutting at the top starting with the City Manager; and that Terra Land group needs to be pursued for development .

4. Jay Costick, 2307 Priscilla Court, addressed the City Council stating that no one is honest about where we stand and that he moved back 10 years ago and Port Huron is in worse shape than when he left; feels costs have gone up too much, no need for all the fire stations and trucks, no need for M.O.C. and it should be sold; feels we need more apartment complexes on the river like Canada and development on the north and south McMorran parking lots; feels seniors who live in downtown area have problem even getting food because of lack of stores.

5. Jean Webb, 2526 Military Street, addressed the City Council stating that they need to pay attention to the report and that residents are tired of water rates going up and that expenses need to be cut. She further stated that there are too many chiefs and not enough Indians, the M.O.C. needs to be sold and that the marinas need to be privatized.

6. Michael ?, 2644 Military Street, addressed the City Council asking whether a fee could be charged to owners of vacant buildings to encourage them to lower the rental rates.

7. Alice O'Neil, Prospect Place, addressed the City Council stating that although she wasn't much for consultants she did like the roundtables and thanked the City Manager for his presentation. She stated that Michigan has been named Number 1 state for retirees by Forbes, that City offices should be more computerized; and that there is a need for nighttime reflectors at her corner to prevent more accidents.

8. John Prevost, Oak Hills Circle, addressed the City Council stating that although Mr. Tomion's presentation at the roundtables was long it had wonderful information. He further commented that we have one of the smallest police departments in comparison to others but that we have spent the most money on recreation and have the lowest crime rate and feels there is a correlation that by taking care of our children we have a lower crime rate.

9. Katie Byrne, 825 Prospect Place, addressed the City Council and stated that she did not feel that the presentation given at the roundtables swayed the direction of people's opinions and further suggested that Council not vote on any corresponding budget plan the same night as the proposed public hearing (September 10, 2007).

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:

Upcoming events:

- September 15 – Hobbyfest, Pine Grove Park
- September 16 – Port Huron's Historic Home Tour
- Visit www.ph150.org for details about Port Huron's Sesquicentennial celebration.

UNFINISHED BUSINESS

1. The following resolution was postponed from the August 13, 2007 regular meeting:

WHEREAS, the 2007 amendments to the 2000 Update of the Solid Waste Management Plan has been adopted by the Solid Waste Management Planning Committee and the St. Clair County Board of Commissioners; and

WHEREAS, these amendments to the Plan must be approved by 67% of the communities in the County before submission to the Michigan Department of Natural Resources; and

WHEREAS, the 2007 amendments to the Plan as prepared, is satisfactory to the City of Port Huron;

NOW, THEREFORE, BE IT RESOLVED that the 2007 amendments to the 2000 Update of the St. Clair County Solid Waste Management Plan, prepared pursuant to Part 115 of Public Act 451 as amended and the rules promulgated thereunder for St. Clair County, is herby approved by the City Council for the City of Port Huron (see City Clerk File #07-107).

Adopted unanimously.

FROM THE CITY MANAGER

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

On August 13, 2007, the City of Port Huron Utilities Division received a quote for the repair of a submersible pump motor for the Hancock Street Pump Station:

Port Huron Electric Motor Works $5,880.90

It is recommended that the quote of Port Huron Electric Motor Works, 321 Court Street, Port Huron, Michigan 48060, in the amount of Five Thousand Eight Hundred Eighty and 90/100 Dollars ($5,880.90) 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:

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 two fiscal years; and

WHEREAS, St. Clair County Health Department has requested that the City of Port Huron remit final payment for the second year in the amount of $5,000 for the local match requirement;

NOW, THEREFORE, BE IT RESOLVED the City Council authorizes payment in the amount of $5,000 for the fiscal year 2007-08 local match for the Port Huron Water Treatment Plant share of the drinking water monitoring and notification system.

Adopted unanimously.

***R-2.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for removal of noxious weeds or unlawful growths or blighting factors; and

WHEREAS, the costs for removing noxious weeds or unlawful growths or blighting factors shall be assessed to the property owners pursuant to Chapter 22, Sections 22-83 and 22-108, City of Port Huron Code of Ordinances; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot assessments in the total amount of $1,075.75 upon the lots and premises described in the attached special assessment report (see City Clerk File #07-108) for the cost of removing noxious weeds or unlawful growths or blighting factors.

Adopted.

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

WHEREAS, at the March 12, 2007 regular City Council meeting a report was submitted by Black & Veatch of Chicago, Illinois, which recommended substantial water and sewer rate increases over the next five years in order to complete the mandated sewer separation project and to meet current and future debt service for this project; and

WHEREAS, the City Manager presented a recommendation, which was approved by the City Council, to implement a public budget roundtable process to obtain citizen input; and

WHEREAS, at tonight's meeting a presentation has been given by Kezziah Watkins of Colorado Springs, Colorado, summarizing responses from 200+ attendees who participated in the roundtable process held in June; and

WHEREAS, City Council desires to review the detailed report received and get input from the public regarding the funding of the sewer separation project and future debt service through utility rate increases, service reductions and/or alternate sources of revenue;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for Monday, September 10, 2007 at its regular meeting to hear comments on the results of the budget roundtables conducted by Kezziah Watkins and directs that the detailed roundtable report be available for public review in the City Clerk's Office, St. Clair County Library and on the City's website; and

BE IT FURTHER RESOLVED that the City Council directs the City Manager to prepare an update of the utility rate study to include any changes which have occurred since its original presentation that would affect the projected five-year rates and to prepare and present at the public hearing a budget overview (land purchase fund, general fund and water/sewer funds).

Adopted unanimously.

***R-4.** WHEREAS, Resolution #8 was adopted on August 13, 2007, declaring single-lot assessments for costs incurred by the City of Port Huron for the removal of noxious weeds or unlawful growths or blighting factors; and

WHEREAS, on the attached special assessment report for said resolution, an assessment was included for the property located at 2439 Walnut Street, owned by Nancy C. Best, in the amount of $120.00; and

WHEREAS, proper notification of the unlawful growth was not given to the property owner and, therefore, the single-lot assessment should not have been declared;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby rescinds the declaration of a single-lot assessment upon 2439 Walnut Street in the amount of $120.00.

Adopted.

R-5.** WHEREAS, the City Council has received and considered the attached Preliminary Code Enforcement Report for Code Case #07-006, 1704 - 08th Street ***(Garage Structure) (see City Clerk File #07-109) 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:

> North 16 feet lot 12 and south 33-1/2 feet lot 13, Block 32, White Plat; also known as: 1704 - 08th Street ***(Garage Structure)***; and

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

WHEREAS, the City Council believes it is warranted in conducting a public hearing and investigation pursuant to such provisions of Chapter 10 and Chapter 40 of said Code for the purpose of ascertaining and determining for itself whether such condition or conditions exist;

NOW, THEREFORE, BE IT RESOVLED, that:

1. The City Council of the City of Port Huron shall conduct a public hearing on September 10, 2007, at 7:30 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, 100 McMorran Boulevard, for the purposes and according to the procedures referred to above; and

2. The City Clerk shall:

(a) Notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's record, at least ten (10) days in advance of the date herein set for such hearing and investigation. The notice shall state that the interested parties will be given the opportunity to state their case for or against bringing this property up to code or demolition of this property, at the time of the public hearing.

(b) Cause a notice to be published in the Times Herald newspaper at least ten (10) days in advance of said hearing. The notice herein required shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Chapter 10, Section 10-211, and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron.

(c) Provide for the recording of such hearings.

Adopted.

***R-6.** 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 with terms to expire as indicated:

Sharon Bender - August 6, 2009
Mike Rossow - August 6, 2010

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby approves the Mayor's reappointments as listed above.

Adopted.

***R-7.** WHEREAS, it is stated in the Ordinance Code of the City of Port Huron, Chapter 52, Zoning, Article II, Division 3, Sections 52-96 and 52-97(a) concerning the 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."

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby appoints the following individual to the Zoning Board of Appeals with a term to expire as indicated:

James A. Dewey - term to expire 07/01/10

BE IT FURTHER RESOLVED, that the following individuals are reappointed to three-year terms on the Zoning Board of Appeals:

Michael P. Cogley - term to expire 07/01/10
James B. McDonald - term to expire 07/01/10

Adopted.

ORDINANCES

O-1. Councilmember Neal moved that an ordinance introduced August 13, 2007, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1279

AN ORDINANCE TO AMEND CHAPTER 24, FIRE PREVENTION AND PROTECTION, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF ADDING AN ARTICLE III, COST RECOVERY FOR FIRE DEPARTMENT HAZARDOUS MATERIALS RESPONSES AND CLEAN-UP, TO ALLOW THE CITY TO RECOVER COSTS FOR CERTAIN FIRE AND EMERGENCY SERVICES.

THE CITY OF PORT HURON ORDAINS:

That Chapter 24, Fire Prevention and Protection, of the Code of Ordinances of the City of Port Huron for the purpose of adding an Article III, Cost Recovery for Fire Department Hazardous Materials Responses and Clean-up, to allow the City to recover costs for certain fire and emergency services is hereby amended as follows:

CHAPTER 24.
FIRE PREVENTION AND PROTECTION
ARTICLE III.
COST RECOVERY FOR FIRE DEPARTMENT
HAZARDOUS MATERIALS RESPONSES AND CLEAN-UP

Sec. 24-40. Purpose.

The City of Port Huron hereby finds that persons in and traveling through the city historically have needed, caused or contributed to the need for certain public safety and fire emergency services, which needs and situations have negatively affected the health, environment, and welfare of some city residents and real property located within the city. In addition, the city has found that it has incurred costs associated with the provision of these certain public safety and fire emergency services. As a result of these determinations, the city has adopted this ordinance to allow the city to recover costs incurred by the city in connection with the provision of these certain public safety and fire emergency services.

Sec. 24-41. Definitions.

For the purpose of their use in this ordinance, the following words and terms are defined. Any word or term not so defined shall be considered to be defined in accordance with its common or standard meaning.

Assessable costs means the costs incurred by the city, including but not limited to the actual labor and material costs to the city, whether or not such services are provided by the city or by a third party independent contractor on behalf of the city; service charges or interest; attorneys' fees; litigation costs; and any costs, charges, fines, or penalties to the city imposed by any local, state, or federal governmental entities. The actual labor and material costs to the city include without limitation employee wages; workers' compensation benefits; overtime; fringe benefits; administrative overhead; costs of equipment; costs of equipment operation, materials, excavation, transportation, and disposal; costs of any contracted labor or materials; and any and all other labor and material costs.

Hazardous materials means those elements, substances, wastes, or their byproducts, which are contained in the list of hazardous substances adopted by the United States Environmental Protection Agency (the "EPA"); or which are contained in the list of toxic pollutants designated by congress or the EPA; or which are defined as hazardous, toxic, pollutant, infectious, flammable, combustible, explosive, or radioactive by any other federal, state, or local statute, law, ordinance, code, rule, regulation, order, or decree regulating, relating to, or imposing liability or standards of conduct concerning any hazardous, toxic, or dangerous waste substance or material, as now or at any time hereafter in effect. Specifically included without limitation as federal and state laws, rules and regulations are Act No. 307 of the Public Acts of 1982, as amended, MCL 299.601 et seq.; the Federal Comprehensive Environmental Response, Compensation and Liability Act, as amended, 42 U.S.C. 9601 et seq.; the Federal Toxic Substances Control Act, as amended, 15 U.S.C. 2601 et seq.; the Federal Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901 et seq.; the Federal Hazardous Material Transportation Act, as amended; the Federal Clean Air Act, as amended; the Federal Water Pollution Control Act, as amended; or any similar or successor statute or law, or rules and regulations of the EPA, or any other state or federal department, board, or agency, or any other agency or governmental board or entity having jurisdiction (collectively, the "Environmental Laws"). Hazardous materials specifically include without limitation petroleum products, automotive anti-freeze, polychlorinated biphenyls and asbestos.

Motor vehicle means any self-propelled or towed vehicle designed or used on the public highways to transport passengers or property as defined in Section 90 of Act No. 300 of the Public Acts of 1949, as amended, being MCL 257.79, which is required to be registered for use upon the public streets and highways of this state under Act No. 300 of the Public Acts of 1949, as amended, being MCL 257.1 to MCL 257.923 or other means of conveyance including railroads. For the purposes of this ordinance, motor vehicle includes those vehicles owned by the government of the United States and any and all trailers or appurtenances to any motor vehicle.

Release means any actual or threatened spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, leaching, dumping, or disposing into the environment including, but not limited to, the air, soil, ground water and surface water.

Responsible party - In connection with a release of hazardous materials, responsible party means any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity that is responsible, in whole or in part, for a release of hazardous materials, either actual or threatened; or that is an owner, tenant, occupant, or party in control of property, real or personal, onto which or from which there is a release of hazardous materials; and the heirs, estates, assigns or successors to any such entity.

Sec. 24-42. Assessment of costs.

(a) The fire chief or designee shall determine the total assessable costs and shall in consultation with other city personnel involved in responding to a hazardous materials incident determine whether to assess any, all or part of such costs against any of the responsible parties.

(b) For all incidents involving hazardous materials a base fee of $500.00 may be assessed.

(c) For any hazardous materials incident where total assessable costs exceed the base fee, additional assessable costs associated with any of the actions or services provided to halt, abate, remediate or remedy any release of any hazardous materials and any liabilities resulting therefrom may be jointly and severally assessed to any or all responsible parties.

(d) Any assessable costs which become known to the city following the transmittal of a notice of assessment to the responsible party pursuant to this ordinance shall be billed in the same manner on a subsequent statement to the responsible party.

(e) The fire chief or designee shall decide whether to assess any, all, or part of the costs against any of the responsible parties. In deciding whether to assess any, all, or part of the costs against any of the responsible parties, the fire chief shall consider the following factors:

(1) The total costs incurred by the city, including but not limited to materials, equipment, manpower, administration, assistance from other sources, etc.;

(2) The risks to the city, its residents, their property, or any other people or property which result from the situation which caused the city to incur assessable costs;

(3) Any injuries or damage to people or property which resulted from a situation which caused the city to incur assessable costs;

(4) Whether the situation which caused the city to incur assessable costs necessitated an evacuation;

(5) Whether the situation which caused the city to incur assessable costs resulted in any damage to the environment; and

(6) Any other factors deemed relevant by the fire chief.

(f) The fire chief may, after consideration of the factors listed above, allocate the costs among and between the responsible parties. Any costs not allocated among or between responsible parties shall be a joint and several liability of each responsible party assessed costs pursuant to Section 24-42 (c), regardless of whether that responsible party has any other legal liability apart from this ordinance, and regardless of whether such person is at fault.

(g) The fire chief shall direct that a statement of costs assessed pursuant to this ordinance be sent to all responsible parties so assessed. Such statement shall be dated and sent first class United States mail, postage prepaid, to the last known address of each responsible party.

(h) The city may charge any costs assessed pursuant to this ordinance to the insurer of any responsible party. The submission of an invoice for the assessed costs to an insurer does not in any way limit or extinguish the liability of a responsible party for the costs assessed pursuant to this ordinance until such time as the assessed costs are paid in full.

(i) If the fire chief decides not to assess all or part of its costs against any responsible party, such decision shall not in any way extinguish or limit a responsible person's liability to other parties for any costs or damages of any kind arising from the release.

Sec. 24-43. Failure to pay; procedure to recover.

To the extent allowed by applicable law, the city may pursue any responsible party under either or both subsection (a) or subsection (b) below.

(a) Any responsible party who fails to timely pay the costs assessed pursuant to this ordinance shall be considered in default. In the case of default, the city manager may authorize the city attorney to commence a civil action to recover the costs, plus a late payment penalty of one percent per month or part of a month during which the costs remain unpaid. In addition to the costs, fees, or penalties provided in the article, the city may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate action at law against persons found to be a responsible party.

(b) All of the costs for services that have been rendered to real or personal property in the city, or the owner of real or personal property in the city may be billed to the owner of the subject property, and all invoices which remain unpaid for more than 30 days shall become a lien on the property and assessed as a single lot assessment against such property.

Sec. 24-44. Administrative liability.

No officer, official, agent, employee, volunteer or member of the city council shall be personally liable for any damage that may accrue to any person or property as a result of any act or decision performed in the discharge of duties and responsibilities pursuant to this ordinance.

Pauline M. Repp, MMC
City Clerk

ADOPTED: 08/27/07
PUBLISHED: 09/01/07
EFFECTIVE: 09/01/07

Adopted unanimously.

MOTIONS & MISCELLANEOUS BUSINESS

1. Mayor Cutcher announced that the previously scheduled meeting of September 10 for the City Manager's evaluation will not be held due to the fact that all Councilmembers are not available that date. Mayor Pro-tem Neal went over the recommendation for an evaluation process that he and Councilmembers Fisher and Sample-Wynn met on. They determined that the City Manager can request a closed session for an evaluation and following the session each Councilmember will complete the performance evaluation form and return to the Mayor for compilation and placement in the City Manager's personnel file. (NOTE: A date for this meeting and a workshop meeting to discuss budget will be determined by contacting Councilmembers for availability.)

2. Councilmember Fisher announced Historic Home Tour which will be held on September 16.

On motion (9:15 p.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

(Page intentionally left blank)

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, September 10, 2007, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

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

The meeting was called to order by Mayor Pro-tem Neal.

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

Absent: Mayor Cutcher; Councilmember Haynes.

The minutes of the regular meeting of August 27, 2007, were approved.

PRESENTATIONS

1. Proclamation designating September 21-23, 2007, to be "Hobo Days" in recognition of the Port Huron Museum's Down by the Depot Hobo Festival was presented to Dr. Dennis Zembala, Port Huron Museum.

2. Yard of the Year awards were presented by the Beautification Commission (see City Clerk File #07-110 for a list of winners).

3. Presentation by Laurie Volk, Zimmerman/Volk Associates, Inc., Target Market Analysis Study report (see City Clerk File #07-111 for copy of Power Point presentation) .

4. Presentation on the revised utility rate study by John Ogden, Director of Finance (see City Clerk File #07-112 for copy of Power Point presentation).

PUBLIC HEARINGS

1. The Mayor Pro-tem announced that this was the time to hear comments from the public regarding the funding of the sewer separation project and future debt service through utility rate increases, service reductions and/or alternate sources of revenue.

The following people appeared to be heard:

Jay Cosstick, 2307 Priscilla Court, stating concerns about wages, benefits and pension for city employees (comparing to the military) and his suggestions included selling the MOC and moving city offices to McMorran, cutting one person in each department, closing one of the fire stations, marketing Industrial Park, improving downtown, closing and filling in the swimming pools and getting rid of people at the top who make more money. He also expressed his displeasure at being told he would have to pay for copies to comply with a FOIA request.

Avery Wine, 820 Edison Blvd.; Michelle Lynch, 3518 Holland Park Lane; and Liz Parr, Port Huron, all members of the Red Dawgs, expressed their support for the recreation department and did not want to see programs cut as they feel it will affect the quality of life in Port Huron, especially as they relate to swimming and lifeguarding.

Trina Avedesian, 15th Street, stated she did not want to see cuts in recreation department, was not impressed with the revised utility rate study, feels city administration is grossly overpaid and cuts should start there; feels rates should only be increased by 2-3%, feels rate increases are violating Headlee amendment and didn't feel the comparison made by the City Manager to other cities was accurate as none of them is facing the same problem as us.

Audrey Walsak, 2903 Canal Drive, stated proposed rate increases were still extreme, disgusted that told City is doing its best, feels ideal rate if that of inflation, that refusing to make administrative cuts is a slap in the face and that several major cuts to administration need to be made and that there should be a hiring freeze (just divide duties when someone leaves), no new office equipment, no training and no gas cards.

Larry Babin, 3471 Riverside Drive, complimented previous speakers on their enthusiasm and hoped more people would have attended and spoken up, feels there needs to be a more honest way of accounting for the cost of street replacement during sewer separation so that street maintenance pays for part of it rather than utility funds, feels City needs to fight harder to not continue sewer separation project; feels City Manager needs to work with the townships when it comes to their residents using city facilities at a cost to the city taxpayers.

Ken Harris, 1521 Wells Street, stated that he found some of the comparisons of cities at the roundtables were not consistent , feels that because city collects income tax they spend beyond their needs, that the budget for general government needs to be reduced and he questioned the amount of the City Council budget.

Bill Johnson, 4270 W. Water Street, stated he was a roundtable participant and didn't have opportunity to show slides relative to the fire department budget at that time and had them tonight to show, stated that fire department should stick to fire calls and not emergency medical response, have some on-call firefighters, close central fire station and sell property for development on the riverfront. He stated that the hard work and dedication of the fire department is appreciated.

Mike Bodeis, 4014 Fairway Drive, stated that he is a landlord in Port Huron and still has a positive attitude but that he has had to cut expenses and people due to finances and believes more can be cut from the city budget citing lower population, lower property values and high employment, feels people should pay for recreation programs and suggested Port Huron look at Holland's fire department operation.

The Mayor Pro-tem declared the hearing closed.

2. The Mayor Pro-tem announced that this was the time to hear comments on the application of LDM Technologies, Inc., 2233 Petit Street, for an Industrial Facilities Exemption Certificate. (See Resolution #2)

No one appeared to be heard.

The Mayor Pro-tem declared the hearing closed.

3. The Mayor Pro-tem announced that this was the time to hear comments on Code Case #07-005, 725 Chestnut 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)

John Lepien, 607 Griswold Street, owner of the property stated he was unaware of the code case and was working on fixing up on the property.

Kim Harmer, Planning Director, gave the facts concerning the case and stated that Mr. Lepien and his wife have been working on the house and recommended that Council postpone action for 90 days.

The Mayor Pro-tem declared the hearing closed.

4. The Mayor Pro-tem announced that this was the time to hear comments on Code Case #07-006, 1704 - 8th Street (garage structure), 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)

No one appeared to be heard.

The Mayor Pro-tem declared the hearing closed.

PUBLIC AUDIENCES

1. April Fuller, 8312 Avoca Rd., Executive Secretary for Port Huron Firefighters Local 354, addressed the City Council stating that she works with the best because the citizens deserve the best and that they have come up with creative ways to give the current level of service with less stating they are many other things (i.e., fire, haz mat, emergency medical, rescue) and that the city needs to know that they are able and willing to respond and will work along side management to work through current budget issues.

2. Patrick McPharlin, 517 Rawlins Street, representing River Park Neighborhood, addressed the City Council thanking them for the installation of stop signs in the Pine Grove Park area surrounding their neighborhood as it has slowed traffic and he asked that Council adopt Resolutions 10 through 13.

CONSENT AGENDA

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

Motion adopted by the following vote:

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

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

Upcoming events:
Sept. 11: Service of Remembrance honoring those who made the ultimate sacrifice on 9/11/01, International Flag Plaza, Thomas Edison Parkway, 10 a.m.
Sept.15: Hobbyfest, Pine Grove Park
Sept. 16: Port Huron's Historic Home Tour
Sept. 18: Fall recreation registration for residents, Palmer Park Recreation Center, and Sept. 19 for nonresidents
Sept. 21: Salute to the City's Sesquicentennial to be held during the Port Huron High vs. Port Huron Northern Football Game, Memorial Stadium.
Sept. 21-22: Miss Michigan/Miss Teen USA Pageant, McMorran
Sept. 21-23: Down by the Depot Hobo Festival, Edison Depot Museum, with an exhibition match of Welkin Vintage Base Ball Club of Port Huron on Sept. 22.
Sept. 26: Spirit of Port Huron Awards, McMorran Place Lounge, 4:30 p.m.

Also 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 Commission on Accreditation for Law Enforcement Agencies, Incorporated, that the Port Huron Police Department has been reaccredited for a fifth time and extending their congratulations.

Motion adopted by the following vote:

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

***C-2.** Communication from Barbara Cogley, 3023 Armour Street, stating her displeasure at having parking meters in the downtown area.

Received and filed.

FROM THE CITY MANAGER

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

On August 30, 2007, the City of Port Huron received two (2) bids for the replacement of a rotary screw air compressor at the Wastewater Treatment Plant:

Detroit Air Compressor	$14,027.00
Air Center	$16,275.00

It is recommended that the bid of Detroit Air Compressor, 3205 Bermuda Street, Ferndale, MI 48220, in the amount of Fourteen Thousand Twenty-Seven and 00/100 Dollars ($14,027.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

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

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

On March 12, 2007, Ryan Nagel of Black and Veatch, utility rate consultants, gave a presentation on the water and sewer rate study prepared for the City of Port Huron. His Power Point presentation is City Clerk File #07-28 and the rate study is City Clerk File #07-29. Both presentations are available on the City of Port Huron web site.

Black & Veatch presented a recommendation to increase water and sewer rates over the next five years as follows:

Year	Water	Wastewater	Total
2007-08	14.9%	29.8%	25.4%
2008-09	13.9%	29.7%	25.5%
2009-10	12.7%	9.8%	10.5%
2010-11	11.8%	10.0%	10.4%
2011-12	11.5%	9.9%	10.3%

These large increases are due principally to the Michigan Department of Environmental Quality (DEQ) mandated Combined Sewer Overflow (CSO) project.

Over the five year period listed above, the cumulative increase is proposed to be 112% and the average quarterly water and sewer billing would go from $141.37 to $299.37.

Also on March 12, 2007, the City Council directed the staff to submit a request to the (DEQ) seeking an extension for the construction of all the improvements currently required to be completed by 2012. On March 26, 2007, the City Council was advised that a letter had been submitted on March 14, 2007 requesting an extension until 2016. In addition to the extension, the City also requested that additional funding options be explored, including revisions of existing repayment schedules and longer terms for new loans. Such changes were to be discussed with the City's bond advisors, the DEQ and the Michigan Municipal Bond Authority (MMBA).

The original Black and Veatch rate study was for a five year period, through the fiscal year ending June 30, 2012, which corresponded to the final year of the implementation of the CSO projects. The study discussed necessary plant upgrades for the water and wastewater plant, including $8.5 million in wastewater plant improvements scheduled for 2012, with debt service starting after the end of the CSO project.

The DEQ has approved the extension of the CSO project until 2016. As a result, the following updated rate study has been expanded for an additional five year period, through the fiscal year ending June 30, 2017, to continue to include the implementation of the CSO project.

The original rate study proposed substantial rate increases in the first two years in order to compensate for the prior four years, when water and sewer revenues were insufficient to meet debt service and operating and maintenance expenses. The previous five year rate plan adopted in May, 2002 was reasonably accurate with regard to projected expenses, but revenues were significantly lower than expected due to usage declines. Industrial usage declined by 62% and residential usage declined by 12%, resulting in an overall usage decline of 31% over the five year period.

The Water and Wastewater Funds are operated as separate self sustaining funds. All revenues from water and sewer rates remain separately in the two funds, as do any subsidies and transfers provided in the current or prior years. Funds not used in a year are held as part of the fund balance. As a result of the usage declines and revenue shortfalls, the fund balances in the Water and Wastewater Funds have been depleted. As the shortfalls were partially made up by transfers from the Land Purchase Fund, its balance has also been reduced.

It has been the City's practice to borrow for a series of projects over multiple years as part of a single municipal bond issue. The borrowings have been timed so that initial project costs are paid from accumulated funds, which are subsequently restored when the new borrowing takes place. This practice has significantly reduced the City's costs of borrowings by limiting consultant expenses and reducing the period over which the bonds must be spent, avoiding arbitrage.

As of June 30, 2007, neither the Water Fund nor the Wastewater Fund has unexpended open market bond funds remaining. All prior bonds have been fully expended. Through July, 2007, expenditures of $450,000 for the Water Fund and $2,500,000 for the Wastewater Fund have been made in anticipation of future borrowings. As a result of currently approved ongoing construction contracts, another $250,000 and $2,850,000, respectively, will be spent in the future completing those contracts

Bendzinski and Company, the City's financial advisors, do not recommend attempting to borrow until a utility rate plan is in place. Without a plan, the City's bond rating will be reduced, increasing the costs of borrowing, if it will even be possible to issue municipal bonds. Without borrowing, ongoing construction will have to be funded by available cash, which will continue to deplete the limited reserves discussed above.

The budgets adopted for the Wastewater Fund for the prior (2006-07) and current (2007-08) fiscal years included open market bond issues to finance the ongoing CSO projects. The borrowing has not taken place. The Wastewater Fund will be completely out of cash by the end the current fiscal year (2007-08) and will end the year with a deficit fund balance unless revenues are increased and new open market bond borrowing is successfully completed. The currently adopted budget approved by City Council proposes that $2.9 million be used from the fund balance. Because borrowing has not taken place, this amount is greater than the available funds. Without a corrective plan in place, cash from other funds will have to be used to even allow the Wastewater Fund to operate and complete the year.

.

At the August 27, 2007, City Council meeting, Kezziah Watkins reviewed the results of the roundtable process. At the same time, City Council requested the rate study previously prepared by Black and Veatch be updated to include any changes that have occurred since its original presentation that would affect the projected five year rates.

Since the presentation of the rate study, the staff has acted upon the City Council's directive to request a four year extension of the CSO project, so that completion would be in 2016 rather than 2012. The staff has also met with the DEQ, the MMBA and the City's bond advisors to explore additional funding options, including revisions of existing repayment schedules and longer terms for new loans, as recommended by Council on March 26th. The 2007-08 budget has been adopted and other estimates have been reviewed and revised. These changes have been incorporated into a revised rate study and are summarized below.

1. Extension Request

The DEQ has granted the four year extension request so that the CSO project will need to be completed by December 31, 2016. The prior deadline was December 31, 2012. This will shift construction costs to a later date and increase them as a result of inflation.

2. Longer Loan Terms and Revisions to Existing Loans

A. The twenty year terms of prior, current and future SRF and DWRF loans cannot be changed. Those terms are set by federal law and the State cannot change the twenty year term.

B. The $10 million sewer bonds from 2002 can be refinanced at a lower interest rate and the term can be extended from twenty years to thirty years, reducing debt service in the near term, though the change increases overall costs due to the longer term.

C. Where appropriate, principal payment schedules for prior SRF and DWRF loans can be reduced to reflect lower than expected borrowings, reducing annual debt service. The City, TetraTech, DEQ and MMBA are working to finalize each of the

applicable prior loans. The revised rate study includes our best estimates at this time.

D. Future open market water and sewer bonds can be repaid over a thirty year period rather than the twenty year period used for prior bonds. The longer term will probably mean a higher interest rate and will result in higher cumulative payments due to the longer term, but it will significantly lower annual debt service.

E. The DEQ has increased the interest rates for new SRF and DWRF loans to 2.5% from 1.625% and 2.125% respectively. This will increase future low interest borrowing costs, though the rates remain substantially below open market rates.

3. Revised Cost Estimates – Future CSO Projects

A. As final design for future projects is being completed, cost estimates continue to be re-evaluated and updated, using the most recent data available. This process has affected the five remaining projects. City Council has approved the Vanness Area project contract at a lower bid cost than estimated, reducing its estimated cost. Engineering work has proceeded on the two 21st Street projects and the Erie Street Area North project, including video taping of existing sewers. As a result, it has been determined that more of the existing sewers will need to be replaced than was originally projected. This has increased the total estimated cost of these projects as follows:

		Prior Estimate	Current Estimate
2007	Vanness Area	$ 7.2 million	$ 6.2 million
2008	21st Street 1	14.5	15.8
2009	21st Street 2	8.4	10.5
2010	Erie Street Area North	7.2	7.4
2011	Nern Street Area	7.7	7.7
	Total	$ 45.0 million	$ 47.6 million

B. Extending the projects for an additional four years is also expected to increase costs due to inflation over the extension period. The projected costs for the extended projects are as follows:

		Prior Estimate
2007	Vanness Area	$ 6.2 million
2009	21st Street Phase 1	16.4
2011	21st Street Phase 2	11.3
2013	Erie Street Area North	8.4
2015	Nern Street Area	9.0
	Total	$ 51.3 million

4. Budgets Adopted for the Fiscal Year Ending June 30, 2008

The rate study used the budgets for the fiscal year ending June 30, 2007, to develop future operating and maintenance costs. The revised rate study uses the budgets for FYE June 30, 2008. This results in slightly higher operating and maintenance costs for the Wastewater Fund ($112,000) and slightly lower costs for the Water Fund ($79,000).

5. Wastewater Plant – Expected Significant Equipment Replacement

The Wastewater Plant was constructed in 1975. As a result, the rate study previously discussed planned equipment replacement at the plant of $8.5 million in 2012 with debt service projected to start in 2013, which was beyond the original five years. This debt service is now included in the second five years of the rate study.

6. Land Purchase Transfers

The Land Purchase Fund is providing a $2.2 million subsidy to the Wastewater Fund, which keeps sewer rates lower than they would otherwise be. The subsidies are made possible due to the collection of captured taxes by various tax increment authorities (TIF's). The captured taxes are paid to the Land Purchase Fund as a result of prior advances. Currently, captured taxes paid to the Land Purchase Fund annually approximate $1.3 million per year. Accumulated funds from prior years have been used to increase the subsidy to $2.2 million each year. The accumulated funds are being depleted to provide the increased subsidy.

The original rate study assumed that the Land Purchase transfers to the Wastewater Fund would continue at the current level of $2.2 million for the five years presented. In order to extend the rate study for the second five year period, the cash balance in the Land Purchase Fund and the expected cash flows from TIF captured tax dollars were analyzed. It appears that the Land Purchase Fund will only be able to continue transfers at current levels for the next five years (2008-12). The projected transfer amounts will decline by $200,000 to $250,000 per year for the next three years (2013-15) and will then be limited to the taxes captured each year, expected to be $800,000 per year.

7. Proposed General Fund Transfer – June 30, 2007

For the fiscal year ended June 30, 2007, tentative financial results are very positive, though the year is not yet closed and the audit has not started. Revenues were higher than budgeted, primarily from income tax receipts. Expenditures were less than budgeted, primarily as a result of the implementation of cost savings measures during the year, including early implementation of the employee reductions proposed for the 2007-08 budget. As a result, it appears that $500,000 can be transferred from the General Fund to the Wastewater Fund to mitigate the rate increase for the current fiscal year (2007-08).

8. Community Development Block Grant (CDBG) Funds

The revised rate study assumes that the majority of annual CDBG funds will be used for the CSO infrastructure projects, reducing future borrowings, as provided in the Council's 2007-08 budget. This use of CDBG funds has been included to calculate the revised debt service schedules.

9. Other Street Projects

The revised rate study assumes that there will continue to be annual non-CSO street construction projects which will include any necessary utility rehabilitation. The utility portion of those projects is expected to increase future borrowings. This increase in borrowing has been included to calculate the revised debt service schedules.

10. Municipal Street Fund Expenditures

In planning for the scheduled reconstruction of the 10th Street and 7th Street Bridges, funds were accumulated in the Municipal Streets Fund to provide for the City's portion of engineering and construction costs under the State of Michigan Critical Bridge Program. Due to the success the City has had in receiving construction grant funds, including the Jobs Today grant from the State for $1.1 million and the efforts of our federal

legislators to obtain a special federal grant for $4 million, the City's portion of the costs for the two bridges was lower than expected. Now that City Council has approved the 7th Street Bridge construction and engineering contracts, the City's final cost responsibility can be reasonably estimated to be $3.5 million below prior expectations.

As the City has proceeded with CSO projects, much of the paving work has been necessary to reconstruct streets after the underground utility work. These eligible costs have been charged to the Water and Wastewater Funds and funded through SRF, DWRF and open market bonds. The updated rate study assumes that the accumulated Municipal Streets Fund fund balance discussed above can be used over the next five years (2008-13) to supplement the street portion of those debt payments. It is projected that $1 million will be used for the next two years and that $500,000 will be used for three remaining years.

11. Estimated future water usage has been adjusted to reflect annual in-City usage through March, 2007 and out-City usage through June, 2007. Water usage will continue to be reviewed on a monthly, quarterly and annual basis. The rate study assumed that usage would continue to decline. Early indications for the current period show that usage is within projected levels.

As a result of the changes discussed above, the revised rate study projects necessary rate increases as follows:

Year	Water	Wastewater	Total	Prior	Change
2007-08	12.5%	21.0%	18.6%	25.4%	(6.8)%
2008-09	11.5%	19.5%	17.3%	25.5%	(8.2)%
2009-10	10.0%	11.0%	10.8%	10.5%	.3%
2010-11	9.0%	10.0%	9.8%	10.4%	(.6)%
2011-12	9.0%	10.0%	9.8%	10.3%	(.5)%

Over the five year period listed above, the cumulative increase is now proposed to be 85% and the average quarterly water and sewer billing would go from $141.37 to $262.57, as compared to 299.37 solely through revenue growth.

In order to meet the revised rate study requirements, water and sewer rates will need to be increased approximately as follows over the next five years:

	Current	Prior
▪ 2008 – July 1, 2007 (approved May 29, 2007)	– 10%	10%
▪ 2008 – October 1, 2007 (remainder of year)	– 11%	20%
▪ 2009 – July 1, 2008	– 14%	20%
▪ 2010 – July 1, 2009	– 11%	10%
▪ 2011 – July 1, 2010	– 10%	10%
▪ 2012 – July 1, 2011	– 10%	10%

Over the five year period, the cumulative increase would remain 85% and the average quarterly water and sewer billing for the final year would remain $262.57.

Extension of Rate Study for Second Five Year Period

The rate study was extended for a second five year period so that it now covers the fiscal years through the year ending June 30, 2017. As a result, the rate study includes each remaining year of the CSO project. While rate increases in the second five years will continue to exceed expected inflation, the increases are expected to be lower than the prior five years. Projecting rates so far in advance is speculative at best. Uncontrollable factors such as construction or petroleum costs, interest rate changes, inflation or regulatory changes may significantly affect the projections. On the other hand, such projections do provide information that Council can use in its decision making process.

Current estimates are as follows:

Year	Water	Wastewater	Total
2012-13	9.0%	8.0%	8.3%
2013-14	9.0%	8.0%	8.3%
2014-15	7.5%	7.5%	7.5%
2015-16	7.5%	7.5%	7.5%
2016-17	7.0%	7.0%	7.0%

The City Council will have conducted a public hearing (September 10th) on the CSO funding issue and the results of the roundtable meetings. It is recommended that the City Council direct the City Manager to prepare a comprehensive financial plan, consistent with this public input, to implement a combination of expenditure reductions and rate increases to amend the 2007-2008 budget and develop a multi-year water and sewer utility budget projection which includes the following:

1. Implementation of the steps necessary to approve the four year extension to complete the CSO project granted by the DEQ.

2. Initiation of the process to refinance the 2002 Sewer Bond issue over a thirty year amortization period.

3. Informing our financial advisors that future open market water and sewer borrowing should be over a thirty year period.

4. Preparing a budget amendment for the fiscal year ended June 30, 2007, to transfer available funds from the General Fund to the Wastewater Fund (currently estimated to be $500,000).

5. Preparing future CDBG annual allocations to maximize the funds available for CSO infrastructure projects.

6. Preparing future Municipal Streets Fund budgets to include appropriate annual transfers to the Wastewater Fund to provide partial funding for debt service related to street paving in CSO project areas over the next five years and, if funds remain available, succeeding years.

7. Designating the regular City Council meeting of Monday, September 24th as a CSO budget workshop.

Motion adopted by the following vote:

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

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 to pay the attached payments. (See City Clerk File #07-01)

Motion adopted by the following vote:
Yes: Mayor Pro-tem Neal; Councilmembers Fisher, Jacobs, McCulloch and Sample-Wynn.
No: None.
Absent: Mayor Cutcher; Councilmember Haynes.

***R-2.** WHEREAS, LDM Technologies, Inc., 2233 Petit 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, the Port Huron City Council held a public hearing on September 10, 2007, 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 LDM Technologies, Inc., application for an Industrial Facilities Exemption Certificate for twelve (12) years on real property and six (6) years on personal property and hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the application to the State Tax Commission; and

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

All real property: 12/31/07 to 12/31/19 (12 years)
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 LDM Technologies, Inc., is located.

Adopted.

R-3. Councilmember Sample-Wynn offered and moved the postponement of the following resolution for 90 days, being considered at the December 10, 2007 regular City Council meeting:

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

South 136.45 feet Lot 12, Block 26, White Plat; also known as: 725 Chestnut Street, City of Port Huron,

has been brought to the attention of the City Council by the Building Official as Code Case #07-005 (see City Clerk File #07-103) 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 August 13, 2007, with respect to said property, it is the judgment of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, Section 10-211 and Chapter 34, Section 34-3 of the Code of Ordinances of the City of Port Huron;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

[XX] 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 City of Port Huron Code of Ordinances.

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

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

Motion to *postpone* adopted by the following vote:

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

R-4. Councilmember McCulloch 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:

North 16 feet, Lot 12, and south 33-1/2 feet, Lot 13, Block 32, White Plat; also known as: 1704 - 8th Street *(GARAGE STRUCTURE)*, City of Port Huron,

has been brought to the attention of the City Council by the Building Official as Code Case #07-006 (see City Clerk File #07-109) 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 August 13, 2007, with respect to said property, it is the judgment of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, Section 10-211 and Chapter 34, Section 34-3 of the Code of Ordinances of the City of Port Huron;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

[XX] 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 City of Port Huron Code of Ordinances.

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

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

Motion adopted by the following vote:

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

***R-5.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for removal of noxious weeds or unlawful growths or blighting factors; and

WHEREAS, the costs for removing noxious weeds or unlawful growths or blighting factors shall be assessed to the property owners pursuant to Chapter 22, Sections 22-83 and 22-108, City of Port Huron Code of Ordinances; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot assessments in the total amount of $1,724.50 upon the lots and premises described in the attached special assessment report for the cost of removing noxious weeds or unlawful growths or blighting factors. (See City Clerk File #07-113)

Adopted.

***R-6.** WHEREAS, the City Manager has issued Temporary Traffic Control Order No. 1189 effective July 12, 2007, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

PINE GROVE AVENUE (ANNEX) – Southbound traffic on Pine Grove Avenue Annex shall "YIELD" to Brandywine Lane.

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, the City Manager has issued Temporary Traffic Control Order No. 1190 effective July 12, 2007, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

15th AVENUE - Northbound traffic on 15th Avenue shall "YIELD" to Brandywine Lane.

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-8.** WHEREAS, the City Manager has issued Temporary Traffic Control Order No. 1191 effective July 12, 2007, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

CONCORD PLACE - Westbound traffic on Concord Place shall "YIELD" to East Village Lane.

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-9.** WHEREAS, the City Manager has issued Temporary Traffic Control Order No. 1192 effective July 12, 2007, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

CONCORD PLACE - Eastbound traffic on Concord Place shall "YIELD" to Pine Grove Avenue (Annex).

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.

10-13. Councilmember Sample-Wynn offered and moved the adoption of the following resolutions:

R-10. WHEREAS, the City Manager has issued Temporary Traffic Control Order No. 1193 effective July 23, 2007, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

MERCHANT STREET - Northbound traffic on Merchant Street shall "STOP" at Michigan 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 Statues of this State, as well as the Charter, Ordinances, and Resolutions of the City of Port Huron.

R-11. WHEREAS, the City Manager has issued Temporary Traffic Control Order No. 1194 effective July 23, 2007, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

MICHIGAN STREET - Southbound traffic on Michigan Street shall "STOP" at Rawlins 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 Statues of this State, as well as the Charter, Ordinances, and Resolutions of the City of Port Huron.

R-12. WHEREAS, the City Manager has issued Temporary Traffic Control Order No. 1195 effective July 23, 2007, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

MICHIGAN STREET - Northbound and southbound traffic on Michigan Street shall "STOP" at Lincoln Avenue (all-way stop).

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

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

R-13. WHEREAS, the City Manager has issued Temporary Traffic Control Order No. 1196, effective July 23, 2007, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

MICHIGAN STREET - Northbound and southbound traffic on Michigan Street shall "STOP" at the pedestrian crosswalk (traffic calming table between bollards) located 500 feet south of Prospect Place.

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.

Motion to adopt Resolutions 10-13 adopted by the following:

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

***R-14.** WHEREAS, Tecumseh, LLC (David E. Witt), 231, 233 Huron Avenue (one building only), 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. 74-06-298-0109-000) 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 Tecumseh, LLC (David E. Witt), 231, 233 Huron Avenue (one building only), 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 30, 2008, through December 30, 2017, 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.

***R-15.** 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 $2,288.00 for sidewalk replacement upon the lots and premises described in the attached special assessment report (see City Clerk File #07-114).

Adopted.

***R-16.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup in the right-of-way; and

WHEREAS, the cost for trash pickup in the right-of-way shall be assessed to the property owner(s) pursuant to City ordinances, Sections 38-11, 40-19, and 42-17; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of $359.16 for special trash pickup in the right-of-way upon the lots and premises described in the attached special assessment report (see City Clerk File #07-115).

Adopted.

***R-17.** WHEREAS, a request has been received for a special use permit to operate a family day care home (six or fewer children) at 1518 Union Street; and

WHEREAS, on September 4, 2007, the City of Port Huron Planning Commission held a public hearing to receive comments on the proposal; and

WHEREAS, the Planning Commission, after due consideration, recommended approval of the request (vote: 6 ayes; 0 nays; 3 absent; 0 abstained), contingent upon the installation of the required six-foot high solid-screening fence on the west side of the property by June 30, 2008;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the Zoning Administrator to issue a special use permit for a family day care home at 1518 Union Street, contingent upon the installation of the required six-foot high solid-screening fence on the west side of the property no later than June 30, 2008.

Adopted.

***R-18.** WHEREAS, a request has been received for a special use permit to operate a family day care home (six or fewer children) at 1418 Scott Avenue; and

WHEREAS, on September 4, 2007, the City of Port Huron Planning Commission held a public hearing to receive comments on the proposal; and

WHEREAS, the Planning Commission, after due consideration, recommended approval of the request (vote: 6 ayes; 0 nays; 3 absent; 0 abstained), contingent upon the installation of the required six-foot high solid-screening fence around the required rear yard play area within 12 months;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the Zoning Administrator to issue a special use permit for a family day care home at 1418 Scott Avenue, contingent upon the installation of the required six-foot high solid-screening fence around the 1,200 square foot required play area within 12 months.

Adopted.

***R-19.** WHEREAS, Blue Water Automotive Systems, Inc., 1717 Beard 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, October 8, 2007, 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-20. Councilmember McCulloch offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron owns the Water Street Marina near the I-94 Bridge over the Black River; and

WHEREAS, the Water Street Marina was developed by use of several grants that included in the grant agreement a provision requiring the approval of the State of Michigan Department of Natural Resources/Michigan State Waterways Commission to sell, lease or otherwise dispose of the marina during the life of the facility and to repay the State the grant monies used to develop the facility in the event they did approve the conveyance of the marina; and

WHEREAS, City Council previously approved an Agreement with the State of Michigan to authorize the sale, lease or disposal of the marina by a Resolution approved July 9, 2007; and

WHEREAS, the State of Michigan Department of Natural Resources/Michigan State Waterways Commission has requested some changes to the recitals in the written agreement previously approved that do not change the substance of the agreement;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby approves the attached agreement with the Michigan Department of Natural Resources which authorizes the conveyance of the Water Street Marina and authorizes the appropriate City Officials to execute said agreement. (See City Clerk File #07-116)

Motion adopted by the following vote:

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

R-21. Councilmember Sample-Wynn offered and moved the adoption of the following resolution:

WHEREAS, it has been brought to the City administration's attention by a citizen, Ken Harris, that the City Council appointed committee's recommendation for the process to be used to evaluate the City Manager's performance should have been presented and acted upon at a open meeting and the public afforded the opportunity to comment; and

WHEREAS, there is an Attorney General's opinion which supports this position; and

WHEREAS, the City Council did, in fact, not disagree with the committee's recommendation, as presented and discussed at the regularly scheduled meeting of August 27, 2007; and

WHEREAS, the recommendation was that a meeting be scheduled with the City Manager at which time he will be evaluated based on progress made on the goals established by City Council for 2006-07 and that at the conclusion of this meeting, individual City Council members would then prepare the evaluation form that was previously utilized by the City Council and submit them to the Mayor and the Mayor would subsequently include them in a report at the next regularly scheduled meeting of the City Council; and

WHEREAS, City Council was not advised that they should take a formal vote on this recommendation and present it so that the public could comment on it;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby adopts the process to evaluate the performance of the City Manager as recommended by the committee consisting of Councilmembers Fisher, Neal and Sample-Wynn and stated above.

Motion adopted by the following vote:

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

MOTIONS & MISCELLANEOUS BUSINESS

1. Councilmember Fisher gave details on the Historic Home Tour on September 16 and Welkin Base Ball Club Exhibition Game on September 23 at the Hobo Fest.

2. Mayor Pro-tem Neal announced that City Council will hold a special meeting on September 17, 2007, at 6:00 p.m. at the Municipal Office Center that will be a closed session, purpose of which will be the City Manager's evaluation.

On motion (10:15 p.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, September 17, 2007, at 6:00 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.

Councilmember Neal moved to enter into a closed session to conduct the City Manager's performance evaluation, as requested by the City Manager and allowed under §15.268, Section 8(a) of the Open Meetings Act.

Motion adopted unanimously.

Councilmember Neal moved to reconvene in regular session.

Motion adopted unanimously.

On motion (10:20 p.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

(Page intentionally left blank)

Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, September 24, 2007, at 5:00 p.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Cutcher (5:15 p.m.).

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

Housing Commission members present: Sherry Archibald, William Smith, Richard Pack and Earl Shoulders.

Mayor Cutcher stated that the purpose of the meeting was to have discussion with the Housing Commission about its separation of its operations from the City of Port Huron. He asked Betty Ward, Executive Director of the Housing Commission, to give a brief history of public housing and to explain the process they use to fill public housing and the use of Section 8 vouchers.

Betty Ward, Executive Director, and others from her staff outlined the programs and their relationship with HUD and she stated that the Housing Commission intends to work within the City's goals. She also agreed to look at a Section 8 home ownership program. Discussion was held on the merits of assisting people toward the goal of owning their own home rather than renting.

Karl Tomion, City Manager, stated that the City staff is working on transitioning the Housing Commission employees' pension program, health benefits, etc., and that something will be going to City Council for adoption in the near future that needs to also be approved by the Housing Commission.

Discussion held on transferring the title to the various Housing Commission sites, currently in the City of Port Huron's name, to them. It was explained that in order to receive certain tax credits the property needs to be in their name and it was paid for with HUD funds, not City funds. The liability issue was raised. Karl Tomion, City Manager, requested that the City receive something in writing from HUD that states their position of needing the properties in the Housing Commission's name.

Discussion was held on what areas, as allowed by law, that the City Council wants to have oversight responsibilities. Karl Tomion, City Manager, stated that his recommendation would be to have City Council approve grants that the Housing Commission wants to apply for. A resolution can be prepared to adopt this policy. Betty Ward, Executive Director, stated that this shouldn't be a problem.

It was agreed by all that even though there will be a separation there still needs to be an ongoing relationship between the City and the Housing Commission.

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

PAULINE M. REPP, MMC
City Clerk

(Page intentionally left blank)

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, September 24, 2007, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Reverend 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 10, 2007, and the special meeting of September 17, 2007, were approved.

PUBLIC AUDIENCES

1. Martha Enright, Port Huron, addressed the City Council stating more events like the recent Menopausal musical need to be held at McMorran; that empty store fronts look like a deserted western town – anything would look better; new water rates will exceed one month of her income; has held a job for 62 years (held more than one job at a time) and this will drive her out of Port Huron; would like to see city employees live on income she has at her age and that community will soon be history.

2. Ken Harris, 1521 Wells Street, Port Huron, addressed the City Council stating that cities used for surveys do not have city income tax; should have 2 fire stations in Port Huron; that a number of departments under general government will not share in the reduction; that 252% is the amount of the raise that water-sewer rates will be in 2017; that not filling vacancies should not be counted as a reduction; that there was no reductions in administration in the fire department; no elimination of subsidy to McMorran, Museum and Marinas; and pointed to future saying this would prohibit any future Council from adopting rates.

3. Mike Bodeis, Fort Gratiot, addressed the City Council that that he hoped the roundtable discussions were not a waste of time and that the top three items to get rid of were McMorran, animal control and marinas and that he hoped the City Council will listen to the citizens.

4. Richard, Frazier, Bancroft St., addressed the City Council stating that all Councilmembers will all be gone at next election and next Council needs to work for us and not themselves.

5. Diane Foster, 2702 Armour St., addressed the City Council stating she has to rent her home out and live in Grand Rapids with her son because expenses are too high and it upsets her that you can only raise rates and cannot find something to help with tax base, such as entertainment, and administration needs to be cut before raising rates.

6. Brian Moeller, Oak Hills Circle, addressed the City Council stating that if City Council had participated in roundtables they would not have to see presentation tonight and these are ideas by administration and not citizens; that there are qualified people in Port Huron and Michigan that could have conducted roundtables as well or better; that animal control officers is a public relations tool and he hears complaints about the parking enforcement officer and he wasn't cut; state government does not allow one sided color copying and neither should we to save money; could save money on gas by putting two officers in a patrol car; that lights are on in city parks after dark when no one there; and he promised he will not raise water rates for the two years he is elected.

7. Audrey Walsak, 2903 Canal Drive, addressed the City Council stating that "budget page 10" shows 7 positions to be eliminated and are they really eliminated or just retiring; questioned City Council's budget of $103,000; questioned whether the reduction in firefighters to 42 has already taken place; pathetic that people are losing their homes; asked what kind of administrative cuts are being made and why nothing given up by city employees; questioned the last time City looked at cheaper insurance.

8. Bill Johnson, W. Water St., addressed the City Council stating he originally thought that McMorran should be eliminated but has changed his mind and thinks it should be run at least at a break even rate and if the general manager cannot do that then he needs to be replaced.

AT THIS POINT, John Ogden, Director of Finance, gave a Power Point presentation on the Proposed Budget Amendments and Comprehensive Financial Plan (see City Clerk File No. 07-117 for copy of the presentation). **Mayor Cutcher** then opened it up for discussion amongst the Council. Extensive discussion was held on privatization, service cuts, fire department, police department, recreation department, marinas, McMorran, museum, wages and benefits of City employees, water/sewer rates, engineering department, City Council budget, Municipal Office Center, parking enforcement, township customers and possibility of a dedicated millage.

RESOLUTIONS

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

WHEREAS, a utility rate study prepared by Black and Veatch was presented in March of 2007 that recommended substantial rate increases to fund the combined sewer overflow project; and

WHEREAS, citizen budget roundtables were held during the month of June by Kezziah Watkins of Colorado Springs, Colorado, to receive public input on combined sewer overflow funding; and

WHEREAS, on September 10, 2007, the City Council held a public hearing to hear additional comments; and

WHEREAS, on September 10, 2007, following the presentation of the revised utility rate study, the City Council directed the City Manager to prepare a comprehensive financial plan, consistent with the public input received at the roundtables and the public hearing, to implement a combination of expenditure reductions and rate increases to amend the 2007-08 budget and develop a multi-year water and sewer utility budget projection to address this funding issue; and

NOW, THEREFORE, BE IT RESOLVED that the City Council adopts the City Manager's proposed budget amendments and comprehensive financial plan as presented in the attached report accompanying this resolution (see City Clerk File #07-118); and

BE IT FURTHER RESOLVED that for the fiscal year ended June 30, 2007, the City Council hereby approves a General Fund budget transfer of $700,000 to the Wastewater Fund and authorizes and directs the proper City officials to implement such budget adjustments; and

BE IT FURTHER RESOLVED that for the fiscal year ending June 30, 2008, the City Council hereby approves the budget adjustments which would, in general, increase the General Fund and Municipal Streets Fund transfers to the Wastewater Fund by $660,000 and $1,000,000, respectively, and reduce General Fund operating expenses and increase Municipal Streets Fund use of designated fund balance, and authorizes and directs the proper City officials to implement such budget adjustments; and

BE IT FURTHER RESOLVED that effective with all billing on or after September 30, 2007, and as of each June 30 thereafter through June 30, 2011, in accordance with the comprehensive five year rate study presented, the commodity rates per 1,000 cubic feet of water used for water and sewer service and the quarterly readiness to serve charges for water and sewer (as listed for 5/8 inch meters and adjusted proportionately for other meter sizes) be increased in accordance with the following table:

Commodity Charges	Water	Wastewater
September 30, 2007	11.48	27.24 (no change)
June 30, 2008	12.56	30.24
June 30, 2009	13.82	33.42
June 30, 2010	15.06	36.76
June 30, 2011	16.42	40.44

Readiness to Serve	Water	Wastewater
September 30, 2007	19.76	46.80 (no change)
June 30, 2008	21.60	52.00
June 30, 2009	23.76	57.48
June 30, 2010	25.92	63.24
June 30, 2011	28.28	69.56

and that the rates for outside-City customers shall be one and a half times the in-City rates, in accordance with applicable contracts; and

BE IT FURTHER RESOLVED that the City Manager is hereby directed to prepare a transition plan for the governance of McMorran consistent with the conclusions in the report of the City Council-appointed McMorran Study Committee; and

BE IT FURTHER RESOLVED that the City Manager is directed to prepare annually a report for City Council, as part of the budget process, which will summarize the progress of the comprehensive rate plan adopted as part of this resolution, including comparisons of actual utility revenues, expenditures, debt service and consumption.

Councilmember Sample-Wynn moved to amend by changing “directed to prepare annually” to “directed to prepare semi-annually” in the last “BE IT FURTHER RESOLVED.”

Adopted unanimously.

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

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

On motion (11:24 p.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, October 8, 2007, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Reverend 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, McCulloch, Neal and Sample-Wynn.

The minutes of the regular and special meetings of September 24, 2007, were approved.

PRESENTATIONS

1. Proclamation designating the month of October to be "United Way of St. Clair County Month" was presented to Rick Garcia, Executive Director of the United Way.

PUBLIC HEARINGS

1. 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 #2)

Doug Alexander, Executive Director, EDA, appeared in support of the application.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Joe Rosales, 425 Taylor Street, addressed the City Council about blighted conditions at 1110 Stanton Street (he supplied Council with copies of photographs).

2. David Ellingwood, Peru Village, addressed the City Council stating that the music that plays downtown, especially south of Military Street bridge, creates a hazard for blind and visually impaired persons as they cannot hear the cars.

3. Bob Diehl, Executive Director, Huron House, Inc., addressed the City Council relative to the proposed changes to the zoning ordinance that would limit their facility to 30 beds and change where they could be located stating he feels they provide an essential service in the over 20,000 hours of community service work they have done and this change would restrict them from operating in the City.

4. Judge Cynthia Platzer, 72nd District Court, addressed the City Council requesting that they change their mind about eliminating the community services officer and DARE officer stating they are good influences in the community.

5. Ken Harris, 1521 Wells Street, addressed the City Council stating that he was discouraged after the September 24 meeting and feel that there should have been a 10% cut of the budget and that more cuts need to be made.

6. Paul Schultz, 1327 Beard Street, addressed the City Council stating he put in a petition to run as a city council write-in and feels Port Huron is a great city and that a casino is needed.

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:

Upcoming events:
- Oct. 7-13: Fire Prevention Week with an open house on Oct. 13 at the Central Fire Station, 1-3 p.m.
- Oct. 9: Last day to register to vote for November (if not registered)
- Oct. 13: Happy Apple Days, downtown, 11 - 4 p.m.
- Oct. 14: International Kite Fly for Peace, Thomas Edison Parkway, 2 – 4 p.m.
- Oct. 15: Leaf removal program begins. For further details, contact 984-9730
- Oct. 19: Free outdoor big screen Halloween movie (Monster House), Palmer Park, 7:30 p.m.
- Oct. 27: Halloween Stroll, Sanborn Park, 11:30 - 3 p.m. and a Halloween Parade, downtown, 4 p.m.

COMMUNICATIONS & PETITIONS

1. Councilmember Sample-Wynn moved that the following communication be received and filed:

From Susanna Stefanides, Property Manager, and Cathie Brophey, Assistant Manager, Arbors at St. Clair Apartments, 3201 Military Street, requesting that the position of community services officer be reinstated.

Adopted unanimously.

FROM THE CITY MANAGER

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

On Friday, August 31, 2007, the City of Port Huron received the results of the 2007-08 salt bid from the State of Michigan MIDEAL Program:

Early Delivery of 1,500 tons
Detroit Salt Company - $29.95 per ton

Combined with a bid of:

Backup Delivery of 2,500 tons
Detroit Salt Company - $30.95 per ton

It is recommended that the bid of Detroit Salt Company at $29.95 per ton for early salt delivery and $30.95 per ton for backup salt delivery be accepted bid through the State of Michigan MIDEAL Program and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

RESOLUTIONS

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

BE IT RESOLVED that the Finance Director is hereby authorized to pay the attached payments. (See City Clerk File #07-01)

Adopted unanimously.

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

WHEREAS, Blue Water Automotive Systems, Inc., 1717 Beard 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, the Port Huron City Council held a public hearing on October 8, 2007, 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 twelve (12) years on real property and six (6) years on personal property and hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the application to the State Tax Commission; and

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

All real property: 12/31/07 to 12/31/19 (12 years)
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 Blue water Automotive Systems, Inc., is located.

Adopted unanimously.

***R-3.** WHEREAS, a request has been received from Marvin Guske to transfer ownership of Class C licensed business, located at 1501-1503 Eleventh, Port Huron, from ENSN, Inc. to Figaro's Lounge, 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-4.** WHEREAS, the Shawn Burr Foundation, 2807 16th Avenue, 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 the Shawn Burr Foundation as a non-profit organization in the City of Port Huron.

Adopted.

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

WHEREAS, the cost for trash pickup in the right-of-way shall be assessed to the property owner(s) pursuant to City ordinances, Sections 38-11, 40-19, and 42-17; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot special assessments in the total amount of $1,286.62 for special trash pickup in the right-of-way upon the lots and premises described in the attached special assessment report (see City Clerk File #07-119).

Adopted.

***R-6.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for removal of noxious weeds or unlawful growths or blighting factors; and

WHEREAS, the costs for removing noxious weeds or unlawful growths or blighting factors shall be assessed to the property owners pursuant to Chapter 22, Sections 22-83 and 22-108, City of Port Huron Code of Ordinances; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot assessments in the total amount of $2,413.00 upon the lots and premises described in the attached special assessment report (see City Clerk File #07-120) for the cost of removing noxious weeds or unlawful growths or blighting factors.

Adopted.

***R-7.** WHEREAS, C.B. Deligianis & Sons (William C. Deligianis), 227 Huron Avenue (one building), 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. 74-06-298-0108-000) 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 C.B. Deligianis & Sons (William C. Deligianis), 227 Huron Avenue (one building), 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 30, 2007, through December 30, 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.

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

WHEREAS, the City of Port Huron has created a housing commission pursuant to the Housing Facilities Act, MCL 125.651 et seq., as amended; and

WHEREAS, the Housing Facilities Act provides that the governing body may adopt a resolution that requires approval of council before the commission may accept or enter into agreements relating to one or more types of grants; and

WHEREAS, the Housing Facilities Act further provides that the housing commission shall make an annual report of its activities to the governing body of the incorporating body and the Uniform Budgeting and Accounting Act requires that each local unit shall make an annual financial report to the State Treasurer and further requires that such local unit shall obtain an audit of its financial records; and

WHEREAS, the Housing Facilities Act further provides that the governing body may adopt a resolution requesting the commission prepare and submit a report containing an itemization of actual expenses paid to members of the commission and of compensation of officers and employees; and

WHEREAS, the City Manager recommends the Port Huron City Council adopt such a resolution;

NOW, THEREFORE, BE IT RESOLVED that City Council approval shall be obtained before the Port Huron Housing Commission ("Commission") may accept or enter into agreements relating to one or more types of grants; and

BE IT FURTHER RESOLVED that the Commission shall annually submit to the City a copy of its annual financial reports, the related audit and any other related annual financial reports prepared as a result of the various annual reporting requirements; and

BE IT FURTHER RESOLVED that the Commission shall not less than annually, and at such other times as requested by the Port Huron City Manager, prepare and submit a report containing an itemization of actual expenses paid to, or on behalf of, members of the Commission and of compensation of officers and employees.

Adopted unanimously.

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

WHEREAS, in August 2005 an agreement with St. Clair County was approved for the operation of a County-wide interoperable communications system using new 800 MHz technology; and

WHEREAS, implementation plans were made for development of an 800 MHz system consisting of four phases; and

WHEREAS, contracts were negotiated by the City of Port Huron and St. Clair County with Motorola for development of the communications system infrastructure; and

WHEREAS, two project phases consist of connecting the County's analog consoles and the City's analog consoles to the 800 MHz network and installing and optimizing a logging card for up to 16 trunked tracks and interfacing them to the City and the County's consoles thus allowing for the recording of trunked radio traffic; and

WHEREAS, an agreement has been prepared between the City of Port Huron and Motorola, Inc., in the amount of $29,899.00 for the connection of the City's analog consoles to the MPSCS 800 MHz network and installation and optimization of a logging recorder card;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Motorola, Inc., for the connection of the City's analog consoles to the MPSCS 800 MHz network and the installation and optimization of a logging recorder card in the police/fire dispatch communications center with funds from the E-911 account and authorizes the appropriate City officials to execute the necessary documents (see City Clerk File #07-121).

Adopted unanimously.

ORDINANCES

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

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

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

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

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

AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION, ARTICLE IV, BOARDS AND COMMISSIONS, DIVISION 3, HOUSING COMMISSION, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF UPDATING THE ORDINANCE TO COMPLY WITH CHANGES IN MICHIGAN LAW AND TO CLARIFY THE RELATIONSHIP OF THE HOUSING COMMISSION WITH THE CITY GOVERNMENT AND THE GENERAL POWERS OF THE HOUSING COMMISSION.

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

MOTIONS & MISCELLANEOUS BUSINESS

1. Councilmember Sample-Wynn encouraged attendance at the MDOT public hearing to be held at McMorran, October 9, relative to the proposed expansion of the Blue Water Bridge plaza.

On motion (8:35 p.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, October 22, 2007, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

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

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 8, 2007, were approved.

PRESENTATIONS

1. Geof Greeneisen, Vice President, Terra Land Group, gave a status report on their interest in a development project in Port Huron. He commented that the Zimmerman Volk study did not reveal anything surprising but that he thought it might be a little aggressive. He said that all the assets of downtown were still in place that interested them in the first place and they still wanted to work with the City but that the market has gone down and the Michigan economy is bad so the original proposal would need to be tweaked. He stated that it is their intent to present a proposal to the City in the first quarter of 2008. Other comments included that he did not feel there was a need for a parking structure, at least at this time; that the first phase would be small to test the market; talked about the money (stated as additional $7 million over 10 years) the City would receive through this development; and that he had many meetings with Tom Hutka and Scott Pickelhaupt in the past years even though Council stated they had not seen a proposed contract during that period.

2. Matt Webb, MDOT Project Manager for the Blue Water Bridge Plaza Expansion and Corridor project, gave a Power Point presentation with video clips on the recently released draft Environmental Impact Statement, along with representatives from MDOT Real Estate Division, Federal Highway Administration (FHA) and Customs and Border Protection (CBP). City Council followed with questions and concerns about the amount of land MDOT wants to acquire for this project and how it affects the city. Matt Webb stated that the public's comments will be addressed in one document which will be completed following the comment period. Karl Tomion, City Manager, stated that staff will prepare comments on behalf of the City for approval by City Council, following their review and additions or deletions (Councilmember Sample-Wynn thought there should be a special meeting scheduled to address this). Additionally, Mr. Tomion asked whether there has been another similar project in Michigan of this magnitude and stated he feels that the percentages that have been used underestimates the effect of the loss of tax base, commercial and residential. Matt Webb cautioned against using other comparisons stating that this project is "on the cutting edge." CBP representative Ricardo Sheller stated that the size of the proposed footprint will allow for them to do security for the next 25-30 years and they want it to be the number one port of entry. When asked about the traffic delays on the bridge, Dave Dusellier responded that you need to balance priority between vigilance for homeland security and convenience and that you cannot sacrifice security for inconvenience. Ricardo Sheller stated that when the project is complete all the entry lanes will be fully staffed and the delays will be reduced. Additional conversation was held about the new proposed travel center and why it was being located for access as people are leaving Port Huron – representatives answered that even though they cannot change that proposal they will explore a local tourist building closer to the bridge plaza.

PUBLIC AUDIENCES

1. Keith Flemingloss, 4370 Gratiot Avenue, addressed the City Council with comments (he distributed them in written form) about the proposed addition of Section 52-736(c) to the zoning ordinance stating that he thought the language to be redundant and did not think it should be included as he did not think that it was an urgent change.

2. David Ellingwood, Peru Village, addressed the City Council expressing his view that the City of Port Huron should consider LED street lighting to save energy like Ann Arbor has.

3. Bob Diehl, Executive Director, Huron House, addressed the City Council expressing his concern about the proposed change to the zoning ordinance which would only allow 30 beds in their facility. He stated that this would make it impossible for them to operate and feels the cap on beds should be 80 or, in the worst case scenario, 60.

4. Trina Avedisian, 15th Street, addressed the City Council asking why Councilmembers didn't wonder "why" when talks with Terra Land languished and that it was misleading to tell the voters that it wasn't the Council's fault, except for Councilmembers Fisher and Sample-Wynn who personally contacted Terra Land.

5. Laura Newsome, St. Clair County Council on Aging, addressed the City Council stating that "Meals on Wheels" is one of their important programs and the community service workers from the Huron House play an important role and that an ordinance be put in place that allows Huron House a reasonable number of beds so that they can continue to operate.

6. Paul Schultz, 1327 Beard Street, addressed the City Council stating that he will be declaring himself as a write-in candidate for the upcoming City Council election and gave his opinion on several different things he thought would improve Port Huron.

7. Mark Shaw, 1521 Scott Avenue, addressed the City Council stating that he has been here for 20 years, moved from Marine City, and questions why the concern about people getting off I-94 into the city when there isn't anything here and that he feels someone needs to do something.

8. Shaun Groden, St. Clair County Administrator, addressed the City Council relative to the MDOT presentation saying that he is disappointed that they only extended the comment period 30 days when it is one of the biggest projects they have ever handled and yet they are only giving 90 days for comments and that he will be following up with legal counsel. He also supported the request of Huron House.

CONSENT AGENDA

Councilmember Jacobs 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:

- Oct. 23: CAPTURE's Cops & Jocks Spaghetti Fundraiser Dinner, Fogcutter, 4 – 8 p.m.
- Oct. 27: Halloween Stroll, Sanborn Park, 11:30 - 3 p.m. and a Halloween Parade, downtown, 4 p.m.

• Large brush and branch piles can be picked up at the curb through the end of November by calling 987-6000 Callers need to provide a name, address and phone number.
• Yard waste and leaves can be put in recycling bags/containers at the curb and picked up on regular trash days through the end of November.
• Leaf vacuuming at the curb has begun. Refer to the recently mailed newsletter, the City's web site or calling 984-9730 to determine your zone and pickup days.

COMMUNICATIONS & PETITIONS

***1.** From Ken Harris, 1521 Wells Street, stating his support for a Terra Land development in downtown and questioned why is this now on the agenda.

Received and filed.

***2.** From Dr. Dennis Zembala, President of Port Huron Museum, offering their support of making it an 80 bed capacity in the zoning ordinance to allow the Huron House to continue operating as they provide the Museum with help for many of their events.

Received and filed.

FROM THE MAYOR AND CITY COUNCIL

1. Councilmember McCulloch offered and moved to receive and file the following:

Transmitting the City Manager's performance evaluation (See City Clerk File #07-122).

Adopted unanimously.

FROM THE CITY MANAGER

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

On October 11, 2007, the City of Port Huron Utilities Division received a quote from a single-source supplier for the replacement of a 10" high performance turbine water meter and a 10" fire rated strainer:

S.L.C. Meter Service, Inc.	$6,575.00

It is recommended that the quote of S. L. C. Meter Service, Inc., 10375 Dixie Highway, Davisburg, Michigan 48350, in the amount of Six Thousand Five Hundred Seventy-Five and 00/100 Dollars ($6,575.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

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

On October 1, 2007, the City of Port Huron Utilities Division received a quote from a single-source supplier for the purchase of a CE5320X handheld data collector with radio receiver and cradle:

S.L.C. Meter Service, Inc.	$6,667.00

It is recommended that the quote of S. L. C. Meter Service, Inc., 10375 Dixie Highway, Davisburg, Michigan 48350, in the amount of Six Thousand Six Hundred Sixty-Seven and 00/100 Dollars ($6,667.00) 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 October 11, 2007, the City of Port Huron received three (3) bids for the Ground Storage Tank, Water Filtration Plant Intermediate Pump Room and Pipe Gallery C Painting Project:

Fedewa Inc.	$ 92,800.00
V & T. Painting	$111,304.00
Horizon Brothers Painting	$113,550.00
George Kountoupes Painting Co	*

* Did not meet spec.

It is recommended that the bid of Fedewa Inc., 8351 Thornapple Lake Road, Nashville, Michigan 49073, in the amount of Ninety-Two Thousand Eight Hundred and 00/100 Dollars ($92,800.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

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

On October 8, 2007 City Council approved Resolution #9 for the connection of the City's analog consoles to the MPSCS 800 MHz network and the installation and optimization of a logging recorder card in the police/fire dispatch communications center with funds from the E-911 account.

In order for the Port Huron Police Department to become fully operational on the 800 MHz county-wide interoperable communications system in November, the final phase requires that the Port Huron Police Department purchase (with E-911 funds) the remaining radios, supplemental equipment, radio set up, imaging and archive fees.

It is recommended that the State of Michigan bid price quoted by Motorola, Inc., 925 Alexandria Drive, Lansing, Michigan 48917, in the estimated amount of One Hundred Twenty Three Thousand Eight Hundred Fifty Six and 15/100 Dollars ($123,856.15) be accepted and that the appropriate City Officials be authorized to execute the necessary documents.

Adopted unanimously.

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

The Treasurer's Office, a division of the Finance Department, is interested in purchasing the Equalizer Tax and Delinquent Personal Property System, a complete system for billing and receipting of property tax transactions. The system integrates with the City's assessing system and is compatible with the applications used by the County Equalization Department.

BS & A Software is the sole-source distributor of the program. The City of Port Huron Assessing Department and the St. Clair County Equalization Department currently use BS & A Equalizer Software to accumulate all data related to property

ownership, taxable valuations and other information. The Inspection Division of the Planning Department currently utilizes the Equalizer Building Department System Software Program for permits, inspections, contractors, rental certifications, code enforcement and imaging/ documentation.

The new program will be compatible with those programs, will use the City's existing assessing data and will be a logical extension of existing services. The application will be housed in the Data Processing Department's existing application server farm. Recent changes in the State of Michigan tax laws pertaining to personal property taxes and the Michigan Business Tax would require significant modifications to the City's mainframe software to implement those changes, which will be effective in 2008.

On October 16, 2007, the City of Port Huron received a quote in the amount of $12,685.00 from BS & A Software for the purchase of the Equalizer Tax and Delinquent Personal Property System Program, and up to $7,200.00 for training, implementation and installation of the application and database, as required.

It is recommended that the quote of BS & A Software, 14965 Abbey Lane, Bath, Michigan 48808 in the estimated amount of Nineteen Thousand Eight Hundred Eighty-Five and 00/100 Dollars ($19,885.00) for the purchase of the Equalizer Tax and Delinquent Personal Property System Program and for training, implementation and installation 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 to pay the attached payments. (See City Clerk File #07-01)

Adopted.

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

WHEREAS, the City of Port Huron has created a housing commission pursuant to the Housing Facilities Act, MCL 125.651 et seq., as amended; and

WHEREAS, the Housing Facilities Act, as amended, as interpreted by the Michigan Supreme Court, provides the Housing Commission with authority to employ a director and other employees and to provide appropriate employee benefits, including pensions; and

WHEREAS, the City of Port Huron presently provides pension benefits to City employees and Housing Commission employees through an agreement with the Municipal Employees' Retirement System of Michigan (MERS); and

WHEREAS, MERS procedures allow the complete transfer of all pension liabilities and assets from a prior employer (the City of Port Huron) to a new employer (the Port Huron Housing Commission) through the adoption of a Joint Transfer Agreement;

NOW, THEREFORE, BE IT RESOLVED that City Council hereby approves the attached Joint Transfer Agreement between the City of Port Huron, the Port Huron Housing Commission and the Municipal Employees' Retirement System of Michigan (MERS) and authorizes and directs the appropriate City officials to execute the agreement. (See City Clerk File #07-123).

Adopted unanimously.

***R-3.** WHEREAS, the City Manager has issued Temporary Traffic Control Order No. 1197 effective August 28, 2007, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

MICHIGAN STREET - There shall be no commercial truck traffic on Michigan Street between Prospect Place and Pine Grove Park Drive.

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-4.** WHEREAS, the City Manager has issued Temporary Traffic Control Order No. 1198 effective September 7, 2007, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

PINE GROVE PARK DRIVE - Pine Grove Park Drive shall yield for Michigan 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 Statues of this State, as well as the Charter, Ordinances, and Resolutions of the City of Port Huron.

Adopted.

***R-5.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for removal of noxious weeds or unlawful growths or blighting factors; and

WHEREAS, the costs for removing noxious weeds or unlawful growths or blighting factors shall be assessed to the property owners pursuant to Chapter 22, Sections 22-83 and 22-108, City of Port Huron Code of Ordinances; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot assessments in the total amount of $2,972.87 upon the lots and premises described in the attached special assessment report (see City Clerk File #07-124) for the cost of removing noxious weeds or unlawful growths or blighting factors.

Adopted.

***R-6.** WHEREAS, a request has been received from MXBar, LLC (Maxine Miller-Barrett), to transfer ownership of 1998 Class C licensed business with dance-entertainment permit, located in escrow at 3812 Pine Grove Avenue, Fort Gratiot Township, MI, from John E. McCaffrey, Michael A. Mason, Trustee, and to transfer location (governmental unit) as allowed by MCL 436.1531(1) to 1639 Garfield Street, Suite A, Port Huron, MI;

NOW, THEREFORE, BE IT RESOLVED that it is the consensus of the City Council that the application be recommended for issuance by the Michigan Liquor Control Commission.

Adopted.

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

WHEREAS, the City of Port Huron, County of St. Clair, State of Michigan (the "City"), has previously issued its General Obligation Limited Tax Bonds, Series 2002, dated as of June 1, 2002 in the original principal amount of $10,000,000 (the "Prior Bonds") for the purpose of paying the cost of certain improvements to the City's sanitary sewer collection system and storm water system (the "Improvements"); and

WHEREAS, the City desires to restructure debt service payments on the Prior Bonds and achieve net present value savings through the refunding of all or a portion of the Prior Bonds which are due and payable on and after October 1, 2012 (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 interests of the City to issue a series of refunding bonds in an aggregate principal amount of not to exceed $7,500,000 for the purpose of refunding all or a portion of the Refunded Bonds; 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 2007 (the "Bonds") are authorized to be issued in the aggregate principal sum of not to exceed $7,500,000, 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 2008 to 2032, 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 April 1, 2008, 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 between the City 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. 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 depositary account with a bank or trust company to be designated 2007 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, 2007, 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 irrevocably 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 defeased 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 2007 Bond Issuance Fund, which may be established by the City or by the Escrow Agent (hereinafter defined). Moneys in the 2007 Bond Issuance Fund shall be used solely to pay expenses of issuance of the Bonds. Any amounts remaining in the 2007 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 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 and interest 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 and interest 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, the 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, upon advice of the City's financial advisor, that the issuance of the Bonds for the purpose of refunding the Refunded Bonds will result in a net present value savings to the City in accordance with the requirements of Act 34.

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 2007

Interest Rate	Maturity Date	Date of Original Issue	CUSIP
	October 1, 20__	_____, 2007	

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 (computed on the basis of a 360-day year consisting of twelve 30-day months) 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 April 1, 2008, 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 2002, dated as of June 1, 2002.

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 2008 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 remaining reasonably expected useful life of the Improvements financed with the proceeds of the Prior Bonds is determined to be not less than twenty-five (25) years.

8. 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.

9. 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, 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, 2032, and the Bonds shall not be issued in an aggregate principal amount greater than the amount authorized by this resolution.

10. 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 final for purposes of enabling the Underwriter to comply with Rule 15c2-12 of the U.S. Securities and Exchange Commission (the "Rule"), except for the omission of the information permitted by the Rule. Each Authorized Officer is further authorized to approve circulation of a final Official Statement with respect to the Bonds and to execute the final Official Statement on behalf of the City.

11. 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 the Rule, and the Director of Finance is authorized to approve and execute such Undertaking on behalf of the City prior to delivery of the Bonds.

12. 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.

13. 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 gross income for federal income tax 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.

14. 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.

Adopted unanimously.

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

WHEREAS, the City Council of the City of Port Huron, County of St. Clair, State of Michigan (the "City"), pursuant to Resolution #13 adopted on February 26, 2007 (the "Original Resolution"), authorized the issuance and sale of one or more series of limited tax general obligation bonds in the aggregate principal amount of not to exceed $6,505,000 for the purposes described in the Original Resolution; and

WHEREAS, on March 29, 2007, pursuant to the Original Resolution, the City issued its $3,040,000 principal amount General Obligation Limited Tax Bond (State Revolving Fund), Series 2007A (the "Series 2007A Bond"); and

WHEREAS, it is necessary to amend the Original Resolution in order to increase the maximum aggregate principal amount of bonds authorized to be issued thereunder; and

WHEREAS, the City Council desires to amend the Original Resolution to provide that the total principal amount of bonds authorized to be issued pursuant to the Original Resolution, including the Series 2007A Bond previously issued and any additional series of bonds to be issued thereunder, shall not exceed Nine Million Forty Thousand Dollars ($9,040,000) in the aggregate.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. All capitalized terms used herein and defined in the Original Resolution shall have the meanings set forth in the Original Resolution.

2. The eighth and final "WHEREAS" clause in the Original Resolution is hereby amended to read in its entirety as follows:

> "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 Forty Thousand Dollars ($9,040,000) should be issued to pay for current phases of the Project."

3. The first paragraph of Section 1 of the Original Resolution is hereby amended to read in its entirety as follows:

> "1. Bonds of the City designated **GENERAL OBLIGATION LIMITED TAX BONDS (STATE REVOLVING FUND), SERIES 2007** (the "Series 2007 SRF Bonds") are authorized to be issued in one or more series in the aggregate principal sum of not to exceed Nine Million Forty Thousand Dollars ($9,040,000), 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 2007 SRF Bonds. Each series of Series 2007 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 2007 SRF Bonds, payable in principal installments serially as finally determined by order of the MDEQ at the time of sale of the Series 2007 SRF Bonds and approved by the MMBA and the Director of Finance. Final determination of the principal amount of a series of Series 2007 SRF Bonds and the payment dates and amounts of principal installments of a series of Series 2007 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 2007 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 2007 SRF Bonds and to make appropriate changes to the designation hereinbefore set forth."

The remaining paragraphs of Section 1 of the Original Resolution are not amended hereby and shall remain as originally adopted on February 26, 2007.

4. The Original Resolution, as amended hereby, is hereby ratified and confirmed.

Adopted unanimously.

ORDINANCES

O-1. Councilmember Neal moved that an ordinance introduced October 8, 2007, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1280

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:

ARTICLE I. IN GENERAL

Sec. 52-1. Preamble.

In accordance with the authority and intent of Public Act 110 of 2006 (MCL 125.3101 et seq.), the city desires to provide for orderly development which is essential to the well-being of the community and which will place no undue burden upon developers, industry, commerce or residents. The city further desires to ensure the provision of adequate sites for industry, commerce, and residences; to provide for the free movement of vehicles upon the proper streets and highways of the city; to protect industry, commerce and residences against incongruous and incompatible uses of land and to promote the proper use of land and natural resources for the economic well-being of the city as a whole; to ensure the provision of adequate space for the parking of vehicles of customers using commercial, retail and industrial areas; and that all uses of land and buildings within the city be so related as to provide for economy in government and mutual support. The result of such purposes of this chapter, which relates to the city's land use plan, will promote and protect the public health, safety, comfort, convenience, and general welfare of the residents, shoppers, and workers in the city.

Sec. 52-2. Construction of language.

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, 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. Also includes the installation of automobile parts and accessories such as mufflers, tires, mud flaps, roll bars, bed liners, undercoating, running boards, etc.

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.

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,* [shall] 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 zoning board of 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 two and one-half 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. If dormers are located on the side of the roof, the height of the building shall be measured to the eave line of the roof of the dormer. 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.

Jail means a correctional institution used to detain persons who are in the lawful custody of the government, either accused persons awaiting trail or convicted persons serving a sentence.

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 (April 29, 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. 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 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 often 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. For professional offices that have received a special approval use permit to be located in the R-1 and A-1 zones, a professional office may not be part of a residential structure.

For a list of those offices that can be used as a home occupation, see Sec. 52-695, Home Occupations.

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 and/or any paved vehicle circulation area excluding single- or two-family residential uses.

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 lot. See *Off-street parking lot.*

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. 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.

Probation facility means a residential facility that shelters and monitors individuals on probation as required by law and that are not on probation for a capital offense or a sexual offense. Facility must comply with the following:

(1) Meet State of Michigan standards, be under contract with the State of Michigan, and be accredited by the American Correctional Association.

(2) Must provide 24 hour supervision.

(3) Must meet all applicable city and state codes regarding building safety and fire codes pertaining to residential living.

(4) Maximum capacity of facility shall be 80 individuals.

(5) Living arrangements may be dormitory style with a central sleeping area and common kitchen area or may be individual sleeping rooms with private bath and common kitchen area.

(6) A co-ed facility shall provide separate rooms for sleeping and separate bathroom facilities for each gender.

(7) The facility shall be certified by the State of Michigan or, at a minimum, certified by the building inspection division of the city under the appropriate codes and ordinances.

(8) Must be located within an M-1 or M-2 zone after receiving a special approval use permit from the planning commission and city council.

(9) May not be located within a 300 foot radius of another probation facility, a rehabilitation and recovery facility, a residential dwelling, a residential zoning district, a school, a shelter where children may reside, a day care center, playground, or public park.

Psychiatric hospital means an institution for the care and treatment of patients affected with acute or chronic mental illness. Also called mental hospital.

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.

Rehabilitation and recovery facility means a residential facility that shelters individuals who are receiving on-site counseling, treatment, therapy, and are recovering from an addition, abuse of a substance including alcohol, illegal drugs, or prescription drugs, compulsive behavior, mental disorder, or similar disorders. Facility must comply with the following:

(1) Provide 24 hour supervision.

(2) Must meet all applicable city and state codes regarding building safety and fire codes pertaining to residential living.

(3) Maximum capacity of facility shall be 30 individuals.

(4) Living arrangements may be dormitory style with a central sleeping area and common kitchen area, or may be individual sleeping rooms with private bath and common kitchen area.

(5) In a co-ed facility, there shall be separate rooms for sleeping and separate bathroom facilities for each gender.

(6) Shall be licensed by the State of Michigan as necessary and shall meet any and all applicable state requirements.

(7) Shall be certified by the building inspection division of the city under the appropriate codes and ordinances.

(8) Must be located within an M-1 or M-2 zone after receiving a special approval use permit from the planning commission and city council.

(9) May not be located within a 300 foot radius of another rehabilitation and recovery facility, a probation facility, a residential dwelling, a residentially zoned district, a school, a shelter where children may reside, a day care center, playground, or public park. An exception is made to facilities that are located within an established hospital's Institutional District and affiliated with the hospital.

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 facility or home means* a facility that provides 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.

a. *Adult foster care facility means* a governmental or nongovernmental establishment that provides foster care to adults. Adult foster care facility includes facilities and foster care family

homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. Adult foster care facility does not include any of the following: a nursing home; a home for the aged; a hospital; a hospital for the mentally ill or a facility for the developmentally disabled operated by the department of community health under the mental health code; a county infirmary operated by a county department of social services or family independence agency; an establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.

1. *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.

2. *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.

3. *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.

b. *Child foster care:*

1. *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.

2. *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.

(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 child care home* means a private home in which one but fewer than seven 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 that 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 child 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.

(3) *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.

Tattoo parlor means any place of establishment where tattooing and/or body piercing is made available, as defined in Chapter 12. Businesses. Article XV.

(1) Tattooing means the creation of an indelible mark or figure upon the human body by insertion of pigment into or under the skin or by the production of scars, or burning of skin.

(2) Body Piercing means the perforation of human tissue other than an ear, for a non-medical purpose.

Temporary building and *temporary use* mean a structure or use permitted by the zoning board of 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.

Transitional housing facility/homeless shelter means a residential facility that shelters individuals and families temporarily (not to exceed 45 days) who are homeless and pursuing permanent housing options. The facility must comply with the following:

(1) Operated by a governmental agency, or a private non-profit organization.

(2) May provide counseling, therapy, and similar assistance from counselors or case managers.

(3) Shall not include probation facility or rehabilitation and recover facilities.

(4) Must provide 24 hour supervision.

(5) Must meet all applicable city and state codes regarding building safety and fire codes pertaining to residential living.

(6) Shall be certified by the building inspection division of the city under the appropriate codes and ordinances.

(7) Maximum capacity of facility shall be 20 individuals.

(8) Must be located within an A-1 or A-2 multi-family residential zone after receiving a special approval use permit from the planning commission and city council, and may not be located with a 1,500-foot radius of another transitional facility.

(9) May be designed with individual apartments, sleeping rooms, or as a dormitory with a central sleeping area.

a. Each apartment or sleeping room shall accommodate no more than one family or three non-related persons per room.

b. For dormitories, with a central sleeping area, there shall be a separate sleeping area for each family and they shall be kept separate from non-related individuals living in the shelter.

c. Apartment style units shall have their own bathroom and cooking facilities per apartment and shall follow the regulations of a multi-family structure.

d. For sleeping rooms and dormitories, there shall be separate bathroom and cooking facilities on site.

e. In a coed home, there shall be separate rooms for sleeping and separate bathroom facilities for each gender.

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 zoning board of 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.

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

Sec. 52-4 through 52-40.

No changes.

ARTICLE II.
ADMINISTRATION AND ENFORCEMENT
DIVISION 1. GENERALLY

Sec. 52-41 through Sec. 52-70.

No changes.

DIVISION 2.
SPECIAL APPROVAL USE PERMITS

Sec. 52-71. Required; issuance.

(a) Before the issuance of a permit for the establishment, erection, reconstruction, structural alteration, enlargement, addition to or moving of any use which, as provided by the district regulations and other regulations in this chapter, shall be permitted in a certain district as a permitted use after special approval, such use shall be approved by the city council after a public hearing and recommendation by the planning commission. Site plan review shall be required for all such special approval uses in accordance with section 52-697.

(b) Action of the planning commission and city council on any such matter shall be taken only after an application therefor in writing shall be filed with the chief inspector and shall be governed by the required procedure for an appeal pursuant to Public Act 110 of 2006 (MCL 125.3101 et seq.), including holding a hearing.

(c) The issuance of any permit shall not be approved unless the city council shall find, in each case, that:

(1) All requirements set forth in this chapter will be complied with.

(2) The use and any proposed structures to be utilized in connection therewith will not create any threat to the public health, safety and welfare and will not unduly aggravate any traffic problem in the area.

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

(4) The proposed use will not be contrary to the spirit and purpose of this chapter. The planning commission may recommend such conditions as it may deem reasonably necessary to promote the spirit and intent of this chapter.

(5) All proposed structures, equipment or material shall be readily accessible for fire and police protection.

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

(7) The proposed use shall provide sufficient space for the offstreet parking of all vehicles attracted by its presence and shall abide by the regulations set forth in this chapter for its particular district or use.

(8) Any proposed building shall not be out of harmony with the predominant type of building in the particular district by reason of its size, character, location, or intended use.

(d) The issuance and validity of any special use permit is contingent upon the conditions/uses existing at the time of issuance. The permit goes with the building and specific use of the building as authorized on the permit. Transfer of property does not affect the use permit. When property, for which a special permit has been designated, has a change in ownership or use, another use may occupy such property provided the proposed use and parking requirements are similar to the former use for which the special permit was granted. A use certificate shall be issued from the planning department prior to the new use occupying such property. Change in use to a nonsimilar activity will result in the use permit becoming null and void. A new special permit (special approval) shall be required from the planning commission and city council if the following items prevail:

(1) The former use has ceased for a period exceeding six months.

(2) New additions or new structures are required.

(3) The new use is a different character as compared to existing use. The new use must be a "use allowed after special approval" in such zoning district.

(4) More parking spaces are required than were necessary for the previous use.

(5) Home occupations and state licensed care facilities in the home such as family or group day care, expire upon change of ownership and are not transferable to a new address or new property owner.

(e) A site plan shall be submitted with an application for the special approval use permit. The site plan shall show the location of all structures and parking on the property for the proposed use. Follow the requirements necessary for submitting a site plan as required in section 52-697(d) through (h).

Sec. 52-72. Parking lots for business uses in residential areas.

Special approval use permits for parking lots for business uses in residential areas shall be allowed to remain with the business as long as the business is the same or similar use. A change in ownership will not affect the validity of a special approval use permit granted for a parking lot for a business use. Said parking lot shall be allowed only as an expansion of an existing parking lot and adjacent to said business property.

Sec. 52-73. Appeal process for special approval use permits.

No changes.

Sec. 52-74. Fees.

The fee for an application for a special approval use permit shall be adopted by resolution of the city council and amended, as necessary, by resolution of the city council.

Sec. 52-75 through Sec. 52-95.

No changes.

DIVISION 3.
ZONING BOARD OF APPEALS

Sec. 52-96 through 52-125.

No changes.

DIVISION 4.
AMENDMENTS

Sec. 52-126. Procedure.

(a) The city council may from time to time amend, supplement or repeal the regulations and provisions of this chapter, in the manner prescribed by Public Act 110 of 2006 (MCL 125.3101 et seq.) and in accordance with the following procedural outline:

(1) A proposed amendment, supplement, or repeal may be originated by the city council, by the planning commission, or by petition. All proposals not originating with the planning commission shall be referred to the planning commission for a report thereon before any action is taken on the proposal by the city council.

(2) The planning commission shall study the proposed amendment, supplement, or repeal. If it decides the proposal has merit, the planning commission shall hold a public hearing thereon in accordance with procedures stated in Public Act 110 of 2006 (MCL 125.3101 et seq.) and make a report of its findings and recommendation to the city council. If the planning commission decides that a proposed amendment, supplement or repeal does not have merit, it shall so report to the city council, without holding a public hearing.

(3) When the city council receives an adverse report on a proposed amendment or change that has not received a public hearing by the planning commission, it may concur with the recommendation and stop further action, or, if it does not agree with the recommendation, the city council shall refer the proposed amendment or change back to the planning commission, with a request that the planning commission hold a public hearing on the proposed amendment, supplement or repeal and make a final report to the city council.

(b) When the city council receives a recommendation from the planning commission on a proposal that has been given a public hearing by the planning commission, the city council may hold a public hearing thereon. If such a hearing is held, notice thereof shall be given in the manner prescribed by Public Act 110 of 2006 (MCL 125.3101 et seq.), and the city council may adopt such amendment, supplement, or repeal without further reference to the planning commission unless the recommendation from the planning commission is to be amended, in which case, the amendment, supplement, or repeal shall be referred again to the planning commission for reconsideration.

Sec. 52-127 through 52-160.

No changes.

ARTICLE III.
DISTRICT REGULATIONS
DIVISION 1. GENERALLY

Sec. 52-161 through 52-190.

No changes.

DIVISION 2.
R SINGLE-FAMILY RESIDENTIAL DISTRICT

Sec. 52-191. Statement of purpose.

The R single-family residential district is established as a district in which the principal use of land is for single-family dwellings. For the R single-family residential district, in promoting the general purpose of this chapter, the specific intent of this section is to:

(1) Encourage the construction and the continued use of the land for single-family dwellings.

(2) Prohibit business, commercial or industrial use of the land and prohibit any other use which would substantially interfere with development or continuation of single-family dwellings in the district.

(3) Encourage the discontinuance of existing uses that would not be permitted as new uses under this chapter.

(4) Discourage any land use which would generate traffic on minor or local streets other than normal traffic generated by the residences on those streets.

Sec. 52-192. Principal permitted uses.

In the R district, no uses shall be permitted, unless otherwise provided in this chapter, except the following:

(1) Single-family detached dwellings.

(2) Churches and other facilities normally incidental thereto, provided ingress and egress from the site is onto a major thoroughfare. The minimum site size shall be two acres, and no building shall be located less than 20 feet from any other lot in any residential district. Off-street parking shall be provided according to article VI.

(3) Publicly owned and operated parks, playfields, museums, libraries and other recreation facilities, provided that any building shall be located not less than 40 feet from any other lot in any residential district.

(4) Public, parochial or private elementary, intermediate and/or high schools offering courses in general education, not operated for profit, provided that such buildings shall be located not less than 20 feet from any other lot in any residential district.

(5) Municipal, state or federal administrative or service buildings, provided that such buildings shall be located not less than 20 feet from any other lot in a residential district.

(6) Accessory buildings and uses customarily incidental to the principal permitted uses in subsections (1)--(6) of this section.

(7) Offstreet parking for the principal permitted uses in accordance with the requirements of article VI of this chapter. Parking must be on the same property as the main structure.

(8) Building additions to existing hospitals, sanitariums, nursing or rest homes. Any such building additions shall be distant at least 100 feet if for hospitals or sanitariums and 50 feet if to nursing or rest homes from any other lot in any residential district not in a similar use.

(9) Any home licensed by the state for the care of mentally ill or mentally retarded shall be allowed to board a maximum of four individuals for family care. Signage is not allowed.

(10) Adult foster care family home, state licensed for six or fewer adults. Signage is not allowed.

(11) State-licensed child foster family homes or child foster family group homes for fewer than seven children. Signage is not allowed.

(12) Dwellings may not be rented for less than 30 days to one individual or family, and must be certified rental units in accordance with all applicable city codes and ordinances.

Sec. 52-193. Permitted uses after special approval.

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

(1) Private parks, country clubs, golf courses, and golf driving ranges, when located on a parcel of five acres or more in area. Any structure on such parcel shall be located at least 200 feet from a lot line of any adjacent residential district.

(2) Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, but not including storage yards, when operating requirements necessitate locating within the district to serve the immediate vicinity, and such use is not injurious to the surrounding neighborhood.

(3) Family day care home, state licensed for six or fewer children, subject to the following conditions:

a. For each child cared for, there shall be provided and maintained a minimum of 100 square feet of outdoor play area. Such play area shall have a total minimum area of at least 1,200 square feet and shall be in the rear yard. Such play area shall be enclosed with a minimum of a six-foot high solid screen-type fence.

b. Offstreet parking shall be provided in accordance with the requirements of article VI of this chapter.

c. A site survey shall be submitted showing the location of the dwelling, play area and parking.

d. No signage shall be allowed.

(4) Cemeteries adjacent to or an extension to existing cemeteries, subject to the following conditions:

a. The site shall be so located as to have at least one property line abutting a major thoroughfare. All ingress and egress to the site shall be directly onto such major thoroughfare.

b. Any structure located on the site shall be at least 100 feet from any lot line.

(5) Home occupations as defined in section 52-695.

(6) Temporary buildings for uses incidental to construction work for a period not to exceed one year.

(7) Additions or expansions to existing parking lots for non-residential uses allowed after receiving a special approval use permit. Parking must be on the same property as the main structure and subject to the following conditions:

a. Such parking lot shall be used only for the parking of vehicles with no repair work or servicing of any kind.

b. Adequate lighting shall be provided and so arranged or reflected away from residences in the area as to cause no annoying glare to such residential property.

c. No advertising signs shall be erected upon such lot, except not more than one sign at each entrance to indicate the operation and purpose of the lot. Such signs shall not exceed six square feet in area and shall not extend four feet in overall height above the ground and shall not project beyond the portion of the property which may be lawfully used for such parking lot.

d. A solid masonry wall or other barrier of material approved by the planning commission, four feet in height, shall be constructed and maintained along those property lines separating the parking lot from adjoining residentially zoned property, except that the height limit may be reduced to three feet where the adjoining property line is a public street.

e. Such parking lot shall comply with all applicable requirements for parking lot layout, construction and maintenance as set forth in section 52-773.

f. Setbacks for parking lots shall conform to those setbacks for buildings in the front and side yards. Rear yard setbacks for parking lots shall be five feet from the property line.

g. Said parking lot must be on the same property of the building it is intended to serve. A renovation of an existing lot does not need a special permit, only the expansion of said lot or a new lot.

Site plan review is required per the requirements of Section 52-697 for any permitted use allowed after special approval, and any non-residential principal permitted use.

Sec. 52-194 to Sec. 52-220.

No changes.

DIVISION 3.
R-1 SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT

Sec. 52-221. through 52-222.

No changes.

Sec. 52-223. Permitted uses after special approval.

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

(1) All permitted uses after special approval in the R district, subject to the terms and conditions therein.

(2) Professional or business office approval shall be conditioned upon the meeting of the building height limit, side yard width, rear yard depth, front yard depth and plat coverage required in the district in which the site is located and conditioned further that the automobile parking spaces shall be in accordance with section 52-772. If there is a question as to whether or not a use is indeed an office, the planning commission shall decide first if an occupation is suitable as an office per the definition before the special permit is granted.

A professional office shall not be located in the same structure or on the same lot as a residential use. If an existing residential structure is converted to an office, the entire structure shall be used for said office. Said building shall be renovated according to the existing building code for a commercial use including barrier free codes. The parking lot shall be paved, drained, and screened from any adjacent residential use.

(3) A temporary building for commerce or industry for a period of not more than one year, when incidental to the erection or servicing of structures or uses permitted in such districts.

(4) Governmental uses when found to be necessary for the public health, safety, convenience or welfare.

(5) Family day care home, state licensed for six or fewer children, subject to the following conditions:

a. For each child cared for, there shall be provided and maintained a minimum of 100 square feet of outdoor play area. Such play area shall have a total minimum area of at least 1,200 square feet, shall be in the rear yard and shall be enclosed with a minimum of a six-foot high solid screen-type fence.

b. Offstreet parking shall be provided in accordance with the requirements of article VI of this chapter.

c. A site survey shall be submitted showing the location of the dwelling, play area, and parking.

d. No signage is allowed.

(6) Commercial boat wells, provided that the number of commercial boat wells does not exceed one well for each 25 feet of lot water frontage and that one offstreet parking space in addition to private residence is provided per boat well. No private water, sanitary or similar services may be provided. Appropriate permits, as necessary, must be obtained from the U.S. Army Corps of Engineers and/or the department of environmental quality as required prior to issuance of special approval use permit.

(7) Bed and breakfast facilities as provided in section 52-696.

(8) Additions or expansions to existing parking lots for businesses allowed after receiving a special approval use permit, or multi-family uses, subject to the following conditions:

a. Said parking lot must be on the same property as the existing business or multi-family use it is intended to serve or adjacent to an existing parking lot. A renovation of an existing lot does not need a special approval use permit, only the expansion of said lot.

b. Such parking lot shall be used only for the parking of vehicles with no repair work or servicing of any kind.

c. Adequate lighting shall be provided and so arranged or reflected away from residences in the area as to cause no annoying glare to such residential property.

d. There is, or will be, a reasonable need for such parking lot to prevent congestion, traffic hazard, and undesirable use of contiguous residentially zoned streets for parking purposes.

e. No advertising signs shall be erected upon such lot, except not more than one sign at each entrance to indicate the operation and purpose of the lot. Such signs shall not exceed six square feet in area and shall not extend four feet in overall height above the ground and shall not project beyond the portion of the property which may be lawfully used for such parking lot.

f. A solid masonry wall or other barrier of material approved by the planning commission, four feet in height, shall be constructed and maintained along those property lines separating the parking lot from adjoining residentially zoned property, except that the height limit may be reduced to three feet where the adjoining property line is a public street.

g. Such parking lot shall comply with all applicable requirements for parking lot layout, construction and maintenance as set forth in Article VI.

h. Setbacks for parking lots shall conform to those setbacks for buildings in the front and side yards. Rear yard setbacks for parking lots shall be five feet from the property line.

Site plan review is required per the requirements of Section 52-697 for any permitted use allowed after special approval, and any non-residential principal permitted use.

Sec. 52-224 to Sec. 52-250.

No changes.

DIVISION 4.
A-1 MEDIUM-DENSITY
MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Sec. 52-251 through 52-252.

No changes.

Sec. 52-253. Permitted uses after special approval.

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

(1) Uses which are allowed after special approval in the R and R-1 districts except public parks and governmental buildings which are allowed as a principal permitted use in the A-1 district.

(2) Manufactured home parks, subject to the requirements as established and regulated by Public Act No. 96 of 1987 (MCL 125.2301 et seq.).

(3) Professional and business office approval shall be conditioned upon the meeting of the building height limit, side yard width, rear yard depth, front yard depth and plat coverage required in the district in which the site is located and conditioned further that the automobile parking spaces required shall be in accordance with section 52-772.

A professional office shall not be located in the same structure or on the same lot as a residential use. If an existing residential structure is converted to an office, the entire structure shall be used for said office. Said building shall be renovated according to the existing building code for a commercial use including barrier free codes. The parking lot shall be paved, drained, and screened from any adjacent residential use.

(4) A temporary building for commerce or industry for a period of not more than one year, when incidental to the erection or servicing of structures or uses permitted in such districts.

(5) Bed and breakfast facilities or tourist homes as defined in section 52-696.

(6) Adult day care center with offstreet parking in accordance with the requirements of article VI of this chapter.

(7) State licensed family day care home (six or fewer children), group day care home (up to a maximum of twelve children), or child day care center (with a minimum site size of 20,000 square feet) subject to the following conditions:

a. For each child cared for, there shall be provided and maintained a minimum of 100 square feet of outdoor play area. Such play area shall have a total minimum area of at least 1,200

square feet, shall be in the rear yard, and shall be enclosed with a minimum of a six-foot high solid screen-type fence.

b. Offstreet parking shall be provided in accordance with the requirements of article VI of this chapter.

c. A site plan shall be submitted showing the location of buildings, play area, and parking provided.

d. No signage is allowed when the day care is in a private home.

(8) Home occupations as defined in section 52-695.

(9) Transitional housing facility/homeless shelter as defined in section 52-3 and subject to the following conditions:

a. Any new construction shall be built in accordance with the schedule of regulations, Section 52-621, for a new multi-family structure in the A-1 zone, in regards to setbacks, lot size, coverage, lot density, building size, etc.

b. A site plan shall be submitted indicating the location of the buildings, property lines, parking. For all new construction, an engineered site plan shall be submitted and a site plan review shall be required.

c. A floor plan shall be submitted indicating the layout of sleeping areas, rooms, or apartments, sanitary, and kitchen facilities. Any new construction shall be in accordance to the applicable building code.

d. All facilities must be certified by the building inspection division and meet all fire, building, health, and safety codes.

e. A parking lot shall be provided, including one parking space per staff member, one for every three individual residents, and one space per family. A variance from the zoning board of appeals may be obtained to allow for fewer parking spaces. Parking is not allowed in the front yard. A four foot high screening fence, wall, or solid shrubs shall be constructed around the parking lot at the property line between said lot and any adjacent residential properties. Parking shall be in accordance to Article VI of the zoning ordinance.

Sec. 52-254 through Sec. 52-280.

No changes.

DIVISION 5.
A-2 HIGH-RISE MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Sec. 52-281 through Sec. 52-282.

No changes.

Sec. 52-283. Permitted uses after special approval.

The following uses may be permitted in the A-2 district subject to the conditions imposed and subject further to the approval of the city council after recommendation from the planning commission:

(1) Uses which are allowed after special approval in the A-1 district including the following: Retail and service uses such as restaurants, drugstores, banks, professional and business offices, personal services, bed and breakfast facilities, home occupations, and other similar uses, and that such uses are in harmony with the character and the quality of the multiple-family development. Professional offices may be located on the first floor of a multiple-family high rise structure of 4 or more stories if the entire first floor is devoted to office space.

(2) State licensed family day care home (six or fewer children), group day care home (up to a maximum of twelve children), or child day care center (with a minimum site size of 20,000 square feet), subject to the following conditions:

a. For each child cared for, there shall be provided and maintained a minimum of 100 square feet of outdoor play area. Such play area shall have a total minimum area of at least 1,200 square feet, shall be in the rear yard and shall be enclosed with a minimum of a six-foot high solid screen-type fence.

b. Offstreet parking shall be provided in accordance with the requirements of article VI of this chapter.

c. A site plan shall be submitted showing the location of buildings, play area, and parking provided.

d. No signage is allowed when the day care is in a private home.

(3) Transitional housing facility/homeless shelter as defined in section 52-3 and subject to the following conditions:

a. Any new construction shall be built in accordance with the schedule of regulations, Section 52-621, for a new multi-family structure in the A-2 zone, in regards to setbacks, lot size, coverage, lot density, building size, etc.

b. A site plan shall be submitted indicating the location of the buildings, property lines, parking. For all new construction, an engineered site plan shall be submitted and a site plan review shall be required.

c. A floor plan shall be submitted indicating the layout of sleeping areas, rooms, or apartments, sanitary, and kitchen facilities. Any new construction shall be in accordance to the applicable building code.

d. All facilities must be certified by the building inspection division and meet all fire, building, health, and safety codes.

e. A parking lot shall be provided, including one parking space per staff member, one for every three individual residents, and one space per family. A variance from the zoning board of appeals may be obtained to allow for fewer parking spaces. Parking is not allowed in the front yard. A four foot high screening fence, wall, or solid shrubs shall be constructed around the parking lot at the property line between said lot and any adjacent residential properties. Parking shall be in accordance to Article VI of the zoning ordinance.

Sec. 52-284 through Sec. 52-315.

No changes.

DIVISION 6.
CCD COMMUNITY COLLEGE DISTRICT

Sec. 52-316 through Sec. 52-345.

No changes.

DIVISION 7.
B NEIGHBORHOOD BUSINESS DISTRICT

Sec. 52-346. Statement of purpose.

The B neighborhood business district is intended to permit retail business and service uses which are needed to serve the nearby residential areas. In order to promote such business developments so far as is possible and appropriate in each area, uses are prohibited which would create hazards, offensive and loud noises, vibration, smoke, glare, or heavy truck traffic. The intent of this district is also to encourage the concentration of local business areas to the mutual advantage of both the consumers and merchants and thereby to promote the best use of land at certain strategic locations. Any business allowed shall not create a negative impact to the adjacent residential area or create a large traffic volume. Said business shall compliment the residential area in which it is abutting. In order not to overwhelm the residential atmosphere of the surrounding neighborhood, a proposed business in the B district shall have a site that does not exceed one acre in size.

Sec. 52-347. Principal permitted uses.

(a) In the B district, no uses shall be permitted, unless otherwise provided in this chapter, except the following:

(1) Grocery store, including beer, wine and liquor, fruit, vegetable, meat, dairy products and baked goods.

(2) Drugstores.

(3) Confectioneries, delicatessens and restaurants. Establishments with a character of a drive-in or openfront store are prohibited. An outdoor seating area may be allowed upon site plan review and approval by the planning department.

(4) Dress, tailor, or seamstress shop.

(5) Hand laundry or Laundromat.

(6) Wearing apparel shop.

(7) Hardware, paint and wallpaper.

(8) Banks.

(9) Variety and dry goods stores.

(10) Flower shop.

(11) Gift shop.

(12) Shoe repair shop.

(13) Watch, television and radio repair shops. Small engine repair is not allowed.

(14) Barbershops and beauty shops. Massage, tattoo, or piercing establishments are not allowed.

(15) Business and professional offices. Offices of a veterinarian, massage, or physical therapist is not allowed.

(16) Accessory buildings and uses customarily incidental to the permitted principal uses in subsections (1)--(15) of this section.

(17) Offstreet parking in accordance with the requirements of article VI of this chapter.

(18) State licensed child day care centers subject to the following conditions:

a. For each child cared for, there shall be provided and maintained a minimum of 100 square feet of outdoor play area. Such play area shall have a total minimum area of at least 1,200 square feet and shall be in the rear yard. Such play area shall be enclosed with a minimum of a six-foot high solid screen-type fence.

b. Parking shall be provided in accordance with the requirements of article VI of this chapter.

c. A site plan shall be submitted.

d. The minimum site size shall be 20,000 square feet.

(b) Signage for all businesses shall be in accordance with Section 52-831. Hours of operation shall be limited to between 8 a.m. and 8 p.m.

Sec. 52-348 through Sec. 52-380.

No changes.

DIVISION 8.
C-1 GENERAL BUSINESS DISTRICT

Sec. 52-381. Statement of purpose.

No changes.

Sec. 52-382. Principal permitted uses.

In the C-1 district, no uses shall be permitted, unless otherwise provided in this chapter, except the following:

(1) All principal permitted uses in the B district.

(2) Any retail business whose principal activity is the sale or rental of merchandise must be within a completely enclosed building.

(3) Business service establishments performing services on the premises such as office machine and typewriter repair, printing, blueprinting.

(4) Any service establishment of an office, showroom, or workshop nature within a completely enclosed building such as that of a taxidermist; decorator; upholsterer; caterer; exterminator; building contractor, including electrical, glazing, heating, painting, paperhanging, plumbing, roofing, ventilating, and plastering; small engine repair; and similar establishments that require a retail adjunct. No outside storage yards or displays shall be permitted.

(5) Photographic film developing and processing.

(6) Physical culture establishments, including gymnasiums and reducing salons, health and fitness clubs, tattoo parlors as defined in section 12-811, and massage establishments, as defined in section 12-286 of the City Code of Ordinances.

(7) Bowling alleys, skating rinks, sports arenas, arcades, pool halls, enclosed tennis, swimming or golf facilities, and other indoor recreational or entertainment facilities such as theaters, concert halls, casinos, or convention centers, when conducted within a completely enclosed building that is located at least 100 feet from any property zoned in a residential classification.

When adjacent to a residential area, there shall be a 20 foot wide landscaped green belt buffer around the perimeter of said facility at the street and interior property lines. Parking or maneuvering lanes shall not be located within this 20 foot buffer. A driveway entrance shall not be located on a street adjacent to a residential use without approval from the planning department. To reduce noise and traffic along residential streets, it is preferred to have the entrance to the facility on a street which abuts a non-residential area.

(8) Hotels and motels.

(9) Eating and drinking establishments, provided that all food or beverages are consumed within a completely enclosed building. Outdoor seating may be allowed after special approval from the planning department with a letter of request from the property owner. Outdoor dining can be of two types: that which is located adjacent to the restaurant on the restaurant's private property, or that which is considered a sidewalk cafe located on public property on the city sidewalk in the right-of-way.

Outdoor dining adjacent to a restaurant establishment may be allowed with certain restrictions:

a. Outdoor dining on private property must be entirely on the private property of and adjacent to the restaurant establishment. A minimum of a 3' high decorative railing or fence shall be placed around the perimeter of the outdoor eating area. All exterior lighting shall be reflected away from any adjacent properties, public or private; the source light shall be shaded so as not to be seen from adjacent properties or the street. Any noise produced from the outdoor eating area shall not interfere with adjacent properties in any way. A letter of request and a scaled site plan drawing shall be provided indicating the following information:

1. The letter of request shall indicate the property owner’s name and phone number, business name, address, hours of operation, and if the outdoor café will serve alcoholic beverages.

2. The drawing shall show the entire property, with dimensions, indicating the location of the buildings and property lines, and also showing adjacent properties, and the street.

3. A detailed plan showing the design, details, and location of all items such as furniture, tables, chairs, awnings, electrical outlet locations, landscaping, exterior lighting, planters, railings, ropes, stanchions, cooking apparatus, kitchen appliances, coolers, and any other equipment.

b. Outdoor dining on the public sidewalk in the City right-of-way, sidewalk cafés, shall be allowed with approval from the Planning department and a sidewalk café permit. Establishments in the City that serve only food or nonalcoholic beverages may make application to the City for a special outdoor consumption license to operate a sidewalk café on the public property immediately contiguous to the premises. See section 4-2 of the City Code of Ordinances for the regulations for obtaining a sidewalk café permit on public property.

Establishments in the City licensed to sell alcoholic beverages for consumption on the premises, may make application to the City and the State Liquor Control Commission (MLCC) for a special outdoor consumption license to operate a sidewalk café

immediately contiguous to the licensed structure. Please refer to Chapter 4-2 of the City Code of Ordinances for more information.

(10) Assembly halls, private clubs and lodges, private or public museums, and 501c3 non-profit organizations.

(11) Funeral parlors or mortuaries.

(12) Television and radio studios and towers subject to the requirements of section 52-689.

(13) Other uses similar to subsections (1)--(12) of this section, subject to the following restrictions:

a. All goods produced on the premises shall be sold at retail on the premises where produced.

b. All business or servicing, except for offstreet parking and loading, shall be conducted within a completely enclosed building.

(14) Bus passenger stations, taxi cab businesses including offices, dispatch facilities, and car storage/parking lots.

(15) Offstreet parking in accordance with the requirements of article VI of this chapter.

(16) Accessory buildings and uses customarily incidental to the principal permitted uses in subsections (1)--(15) of this section, including sleeping or living quarters of security, watchman, or caretaker.

(17) Nursery schools, day nurseries and child day care centers, not including dormitories, which are state licensed, subject to the following conditions:

a. For each child cared for, there shall be provided and maintained a minimum of 100 square feet of outdoor play area. Such play area shall have a total minimum area of at least 1,200 square feet and shall be in the rear yard. Such play area shall be enclosed with a minimum of a six-foot high solid screen-type fence.

b. Parking shall be provided in accordance with the requirements of article VI of this chapter.

c. A site plan shall be submitted.

d. The minimum site size shall be 20,000 square feet.

(18) Adult day care center subject to offstreet parking in accordance with the requirements of article VI of this chapter.

(19) Any of the permitted uses in this section with a drive-thru facility or drive-up window used as an accessory use for the business. When such drive-thru business is located adjacent to a residential district and not separated by a street or alley, there shall be a five-foot buffer with landscaping and a four-foot-high screening fence or masonry wall located at the property line between the drive-thru business and the residentially zoned property.

(20) Churches and other facilities normally incidental thereto, provided ingress and egress from such site is onto a major thoroughfare. The minimum site size shall be two acres. Off-street parking shall be included in accordance with the requirements of article VI of this chapter.

(21) Pet grooming facilities are allowed provided the animals are not kept overnight.

(22) Retail sales of auto parts, accessories, tires, or auto related items are allowed provided all sales and merchandise are kept within a completely enclosed building and provided there is no installation service provided. Any installation of parts or accessories on vehicles, such as tires, mud flaps, roll bars, bed liners, undercoating, running boards, etc. shall be considered an auto service-repair facility and a special approval use permit shall be required. Installation of alarm systems, stereos, CB radios, automatic vehicle starters, and detail shops with retail adjacent shall not require a special approval use permit.

Sec. 52-383. Permitted uses after special approval.

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

(1) Veterinary hospitals and clinics.

(2) Automobile carwash establishments, including steam cleaning, but not rustproofing, provided offstreet waiting space is provided in accordance with section 52-774 and provided further that all applicable requirements of this Code are met.

(3) Drive-in establishments. Entrance to or exit from any such use shall be located at least 35 feet from the intersection of any two streets. Such uses shall have direct access to a major thoroughfare. All lighting or illuminated displays shall not reflect onto any adjacent residential zone, and consideration shall be given to proximity of existing places of congregation of children (e.g., schools) regarding traffic safety and sanitation. A site plan shall be submitted showing the traffic pattern and parking areas. A five-foot buffer with landscaping and a four-foot-high screening fence or masonry wall shall be located between the business and any residentially zoned property when not separated by a street or alley. See the definition of a drive-in establishment in section 52-3.

(4) Automobile fuel and automobile service stations subject to the requirements of section 52-678.

(5) Wholesale stores, rental storage facilities, storage trailers as an accessory use to a storage facility, warehouses, distributing plants, freezers and lockers. Any outside storage shall be completely enclosed by a six-foot-tall screening fence or continuous hedge.

(6) Open air business uses as follows, in conformance with section 52-690:

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

b. Retail sale of fruit and vegetables.

c. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses.

d. Bicycle, trailer, motor vehicle, boat or home equipment rental services.

e. Outdoor display and sale of garages, swimming pools and similar uses.

(7) New and used car salesrooms, including outdoor sales space and must certify that the business location meets the expanded established place of business requirements required by the regulations for the State of Michigan. Inoperable vehicles or vehicles used for parts may not occupy the premises. If there is an automotive service bay connected with this establishment, the business shall be subject to the regulations of section 52-678 for automobile service stations.

(8) Salesrooms, including outdoor sales space, for recreation vehicles including boats, snowmobiles, travel trailers, campers, tents and accessory equipment.

(9) Planned community shopping centers, provided the following criteria are met:

a. Such center shall consist of a group of establishments engaging exclusively in retail business or service, arranged as a functionally coherent unit, together with appurtenant features, such as parking areas and storage facilities.

b. Such center shall occupy a site of not less than ten acres.

c. A minimum building setback from the property line of 75 feet each for the front and rear of the building and 50 feet each for the sides of the building.

d. No building or structure shall exceed three stories or 60 feet in height unless approved by the planning commission.

e. Public restrooms shall be required in all sit-down restaurants and cocktail lounges.

f. A planting strip of at least 20 feet wide shall be provided around the entire perimeter of the site except for driveways onto the public street system. A wall or barrier of suitable material not less than five feet high shall be constructed along those property lines which abut a residential district.

g. The proposed site shall have at least one property line abutting a major thoroughfare. All ingress and egress to the site shall be directly from such thoroughfare. Turning and approach lanes shall be provided when determined necessary by the city engineer.

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

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

j. All signs shall be affixed to the face of the building and shall be a uniform design throughout, except that one ground pole sign advertising the name of the shopping center is allowed.

k. All offstreet parking shall be within its own area, as specified in article VI of this chapter, and an internal system of roads and walks which will effectively separate pedestrian and vehicular traffic is required.

l. Outdoor trash containers shall be provided, properly maintained and screened pursuant to section 52-694.

m. All areas accessible to vehicles shall be paved and maintained so as to provide a durable, smooth and well-drained surface.

n. All vehicular and pedestrian areas shall be illuminated during business hours of darkness. All lighting fixtures shall be installed so as to reflect light away from adjoining residential properties.

(10) A public-owned building, public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, water and sewage pumping stations.

(11) High-rise apartments, pursuant to the requirements for the A-2 district.

Sec. 52-384 through Sec. 52-410.

No changes.

DIVISION 9.
CBD CENTRAL BUSINESS DISTRICT

Sec. 52-411. Statement of purpose.

No changes.

Sec. 52-412. Principal permitted uses.

In the CBD district, no uses shall be permitted unless otherwise provided in this chapter, except the following:

(1) All principal permitted uses in the C-1 district, except tattoo parlors. Arcades are only allowed as an accessory use to the principal business and are not allowed as the main use.

(2) Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within enclosed buildings.

(3) Newspaper offices and printing plants.

(4) Business and professional offices.

(5) Government buildings and facilities including city or county jails when residing in the same building as a police or sheriff department.

(6) Other uses which are similar to subsections (1)--(5) of this section and subject to the following restrictions:

a. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail from the premises where produced.

b. All business, servicing or processing, except for offstreet parking or loading, shall be conducted within completely enclosed buildings.

c. Storage of commodities shall be within buildings and shall not be visible to the public from a street or thoroughfare.

(7) Second- or third-story apartments above existing commercial uses. All living quarters must meet other city codes. Dwelling units are not permitted on the ground floor. Parking provisions for tenants must be provided as part of the permit process and in accordance with section 52-772.

(8) Offstreet parking lots and structures.

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.

(5) Adult entertainment businesses; adult live conduct business (see section 52-416).

Sec. 52-414 through Sec. 52-445.

No changes.

DIVISION 10.
MD MARINA DISTRICT

Sec. 52-446 through 52-475.

No changes.

DIVISION 11.
M-1 LIGHT INDUSTRIAL DISTRICT

Sec. 52-476 through Sec. 52-477.

No changes.

Sec. 52-478. Permitted uses after special approval.

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

(1) Eating and drinking establishments when food or beverage is consumed within a completely enclosed building. Establishments with a character of drive-in or openfront store are prohibited.

(2) Barbershops and beauty shops.

(3) Truck tractor and trailer sales, rental and repair.

(4) New automobile rental and leasing agency. New and used car salesrooms, including outdoor sales space in accordance with section 52-383 and must certify that the business location meets the expanded established place of business requirements required by the regulations for the State of Michigan and Public Act 495 of 2004 (or most current State regulations). Inoperable vehicles or vehicles used for parts may not occupy the premises. If there is an automotive service bay connected with this establishment, the business shall be subject to the regulations of section 52-678 for automobile service stations.

(5) Motels.

(6) Automobile fuel 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.

(14) Probation, rehabilitation, or recovery facilities as defined in section 52-3 and subject to the following conditions:

a. Any new construction shall be built in accordance with the schedule of regulations, Section 52-621, for a new multi-family structure for the A-1 zone in regards to setbacks, lot size, coverage, and density, building size, etc., and shall not be located within a 300 foot radius of a residential dwelling, a residential zoning district, a school, a shelter where children may reside, or a day care center, playground or public park.

b. A site plan shall be submitted indicating the location of the buildings, property lines, parking, and recreation areas. For all new construction, an engineered site plan shall be submitted and a site plan review shall be required.

c. A floor plan shall be submitted indicating the layout of sleeping areas, rooms, or apartments, sanitary, and kitchen facilities. Any new construction shall be in accordance to the applicable building code.

d. A parking lot shall be provided, including one parking space for every employee and one for every two residents. A variance from the zoning board of appeals may be obtained to allow for fewer parking spaces. Parking is not allowed in the front yard. Parking shall be in accordance to Article VI of the zoning ordinance.

e. An outdoor recreation area shall be located on site.

f. The entire site shall be enclosed with a six foot high screening fence at the property line. At the street property line, the fence shall be setback in line with the adjacent building.

Sec. 52-479 through Sec. 52-505.

No changes.

DIVISION 12.
M-2 GENERAL INDUSTRIAL DISTRICT

Sec. 52-506. Statement of purpose.

No change.

Sec. 52-507. Principal permitted uses.

In the M-2 district, no uses shall be permitted, unless otherwise provided in this chapter, except the following:

(1) All principal permitted uses in the M-1 district.

(2) Industrial establishments as follows:

a. The assembly and/or manufacture of automobiles; automobile bodies, parts and accessories; cigars and cigarettes; electrical fixtures, batteries and other electrical apparatus and hardware.

b. Processing, refining or storage of food and foodstuffs.

c. Breweries, bumpshops, distilleries, machine shops, metal buffing, plastering and polishing shops, millwork lumber and planing mills, painting and sheetmetal shops, undercoating and rustproofing shops and welding shops.

d. Automobile bumpshops, tire vulcanizing and recapping shops. Automobile fuel and service stations, and automobile repair facilities, in accordance with section 52-678.

e. Accessory buildings and uses customarily incidental to the permitted principal uses in subsections (1) and (2)a.--d. of this section, including living quarters of a watchman or caretaker.

f. Any other uses similar to any of the principal permitted uses in subsections (1) and (2)a.--e. of this section.

g. Heating and electric power generating plants and all accessory uses; coal, coke and fuel yards subject to section 52-508(2); water supply and sewage disposal plants also subject to section 52-508(2).

Sec. 52-508. Permitted uses after special approval.

The following uses may be permitted in the M-2 district subject to the conditions imposed and subject further to the approval of the city council after recommendation from the planning commission:

(1) All permitted uses after special approval in the M-1 district subject to the terms and conditions imposed therein, except for automobile fuel and service stations, and automobile repair facilities.

(2) Open storage yards of construction contractor's equipment and supplies, building materials, sand, gravel or lumber in accordance with the following:

a. Such uses shall be located at least 200 feet from any residential district.

b. If it is deemed essential by the planning commission to prevent loose materials from blowing into adjacent properties, a fence, tarpaulin or obscuring wall of dimensions and materials specified by the planning commission shall be required around the stored material.

c. No required yard spaces shall be used for the storage of equipment or material.

(3) Junkyards.

(4) Mining, excavating or other removal of sand, earth, minerals or other material naturally found in the earth.

(5) Water and gas tanks and holders.

(6) Probation, rehabilitation, or recovery facilities as defined in section 52-3 and subject to the following conditions:

a. Any new construction shall be built in accordance with the schedule of regulations, Section 52-621, for a new multi-family structure for the A-1 zone in regards to setbacks, lot size, coverage, and density, building size, etc.., and shall not be located within a 300 foot radius of a residential dwelling, a residential zoning district, a school, a shelter where children may reside, or a day care center, playground, or public park.

b. A site plan shall be submitted indicating the location of the buildings, property lines, parking, and recreation areas. For all new construction, an engineered site plan shall be submitted and a site plan review shall be required.

c. A floor plan shall be submitted indicating the layout of sleeping areas, rooms, or apartments, sanitary, and kitchen facilities. Any new construction shall be in accordance to the applicable building code.

d. A parking lot shall be provided, including one parking space for every employee and one for every two residents. A variance from the zoning board of appeals may be obtained to allow for fewer parking spaces. Parking is not allowed in the front yard. Parking shall be in accordance to Article VI of the zoning ordinance.

e. An outdoor recreation area shall be located on site.

f. The entire site shall be enclosed with a six foot high screening fence at the property line. At the street property line, the fence shall be setback in line with the adjacent building.

Sec. 52-509 through Sec. 52-540.

No changes.

DIVISION 13.
I INSTITUTIONAL DISTRICT

Sec. 52-541. Permitted principal uses.

The following uses of buildings and premises shall be permitted in the I institutional district, provided that a plan of development (a master plan) shall be required when the property devoted to any use, other than a single-family dwelling, exceeds one acre in area:

(1) Single-family detached dwellings, provided that the regulations applicable to such uses in the R district shall be met.

(2) Child and adult care centers, provided that the requirements applicable to such uses are met in regards to setbacks and parking requirements.

(3) Churches, chapels and other places of worship; adjunct residential and administrative facilities and other uses operated by or in conjunction with religious institutions.

(4) Public and private nonprofit schools and educational institutions, including residential units, classroom, administrative, recreational and student service facilities owned by or operated under the control of such school or institution.

(5) Libraries, museums and similar uses operated by public or nonprofit agencies.

(6) Hospitals, doctors' offices, public health clinics, extended care facilities, an office of a rehabilitation clinic with no on-site living quarters., psychiatric hospitals or recovery centers for the mentally disabled, sanitaria, nursing homes and pharmacies. A licensed massage therapist may conduct business within the walls of a hospital, doctor's office, medical clinic, nursing home.

(7) Philanthropic, charitable and eleemosynary institutions.

(8) Parks, recreational facilities, auditoriums and similar uses and structures owned or operated by a governmental agency.

(9) Offstreet parking areas serving uses permitted in this district, subject to the approval of the planning department.

(10) Rights-of-way, easements and appurtenances for public utilities and public transportation.

(11) Any existing structure may be used for any of the permitted uses in this section, subject to meeting the offstreet parking requirements of section 52-772.

Sec. 52-542. through Sec. 52-544.

No changes.

Sec. 52-545. Compliance with master plan.

Upon submission of a master plan for institutional development as set forth in this division and inclusion of the property in an I district, no plan of development shall be approved nor shall any building permit or occupancy permit be issued unless such is deemed to be in compliance with this chapter and substantially in accordance with the submitted master plan or subsequent amendment thereto. A site plan for any proposed structures or parking lots shall be submitted to the planning department for review before making application for a building permit.

Sec. 52-546. Permitted signs.

No changes.

Sec. 52-547. Yards.

(a) *Front yard.* In the I district, there shall be a front yard setback for buildings and parking lots with a depth of not less than 25 feet. In the front yard, single- and two-family dwellings may be built in line with the average setbacks of adjacent dwellings.

(b) *Side and rear yards.* Side and rear yards for uses other than single-family dwellings shall be provided as set forth in section 52-621**.** Street side yard setbacks for buildings and parking lots shall be 12-1/2 feet. Side yards for a single-family dwelling shall be 10% of the lot width.

(c) There shall be landscaping at the perimeter of the property between any non-residential use and a residential use. There shall be landscaping around all sides of a parking lot, including the street side, with the exception of the side of the parking lot facing the institutional building. This landscaping shall consist of a mixture of shrubs and trees. A landscape plan shall be approved by the Planning department before a building permit shall be issued.

Sec. 52-548. through 52-575.

No changes.

DIVISION 14.
HISTORIC DISTRICTS

Sec. 52-576 through Sec. 52-600.

No changes.

DIVISION 15.
ACCESS MANAGEMENT OVERLAY DISTRICT

Sec. 52-601 through Sec. 52-620.

No changes.

DIVISION 16. SCHEDULE OF REGULATIONS

Sec. 52-621. Schedule.

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

(continued on next page)

				Maximum Height of Building		Minimum Yard Requirements in Feet (Unobstructed) Sides Least Total of:				
Zoning District	Minimum Lot Width (in feet) ****	Minimum Lot Area (in sq. ft.)	Maximum Lot Coverage (percent)	In Stories	In Feet	Front *a, b, c, d*	One	Two	Rear	Minimum Floor Area per Dwelling Unit (in sq. ft.) *e*
R	70 *u*	7,000 *u*	35	2 1/2*	35	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	35	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 *f, i, j*	20 *i, j*	30	*k*
A-2	100*v*	*h, l*	35	--	--	25 *m*	10 *f, 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	100***u*	20,000***u*	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, industrial, and institutional 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 zoning board of 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 zoning board of 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 zoning board of 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. An addition to an existing home may be constructed at the same setback as the existing dwelling even if the existing dwelling is not set back ten percent of the lot width. However, in no case shall the new addition be closer than 5 feet from the side property line.

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

u. A single-family dwelling may be built on a vacant 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 as of December 31, 2007, and provided that the lot is under a different ownership from an adjacent lot. After December 31, 2007, any new lots created by a lot split, a division of any lot of record, 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, unless there is an adjacent lot(s) under the same ownership which could be combined with the 50 foot lot to create a parcel at least 70 feet wide.

2. Adjacent lots of record (platted lots or tax described lots) under the same ownership cannot be split up into parcels less than 70 feet wide by 100 feet deep.

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 single lot of record, which is owned separately from an adjacent lot, 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 through Sec. 52-625.

No changes.

DIVISION 17.
PEDESTRIAN RETAIL OVERLAY DISTRICT

Sec. 52-626 through Sec. 52-631.

No changes.

Sec. 52-632. Criteria for consideration of permitted uses after special approval.

The city planning commission may approve a special use permit if it determines that:

(1) The building space was designed specifically for the type of use proposed and, as such, occupancy by a principally permitted use under Section 4 is an unreasonable expectation due to identifiable structural design characteristics, or

(2) Denial of the request for occupancy by special use permit has resulted in a long-term (defined as longer than 18 months) vacancy of the property outside of current market conditions (based upon average retail lease rate per square foot).

Sec. 52-633 through Sec. 52-660.

No changes.

ARTICLE IV.
GENERAL AND SUPPLEMENTARY REGULATIONS

Sec. 52-661 through Sec. 52-666.

No changes.

Sec. 52-667. Permitted height.

No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit established for the zoning district in which the building is located, except that roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building and fire or parapet walls, skylights, towers, steeples, stage lofts and screens, chimneys, smokestacks, individual domestic radio and television aerials and wireless masts, water tanks, flagpoles or similar structures may be erected above the height limits prescribed. In districts other than the R, R-1, and A-1 districts, said structures may not exceed by more than 20 feet the height limits of the zoning district in which it is located. In the R, R-1, and A-1 districts, the height of said structures shall be limited to the height of the zoning district in which it is located whether attached to the roof or ground. Domestic radio and television antennas cannot extend higher than 12 feet above the height limit of the zoning district that it is located in. Chimneys may exceed the height limits of the R, R-1, or A-1 district by a measurement deemed necessary by city code for proper ventilation. In any district, said structure may not have a total area greater than 25 percent of the roof area of the building, nor shall such structure be used for any residential purpose or any commercial purpose other than a use incidental to the main use of the building.

Sec. 52-668. Mechanical equipment location and screening.

No changes.

Sec. 52-669. Lot area, yards and open space requirements.

Space which has been counted or calculated as part of a side yard, rear yard, front yard, court, lot area or other open space to meet the requirements of this chapter for a building shall not be counted or calculated to satisfy or comply with a yard, court, lot area or other open space requirement for any other building. An open or uncovered porch, patio, deck, or terrace may not project more than 5 feet from the front of the main structure, with a minimum of 5 feet from the front property line. An open or uncovered porch, deck, or patio may project into a side yard a maximum distance of 60% of the width of that side yard; in no instance may it be closer than 2 feet from the side lot line or 5 feet from a street side lot line. An uncovered deck, patio, or terrace must be a minimum of 10 feet from the rear property line (waterfront properties excluded). A covered or enclosed porch, deck, patio, or terrace, is considered a part of the main structure and shall meet all yard setback requirements.

Sec. 52-670. Projections into yards.

Architectural features may extend or project into a required side yard not more than three inches for each one foot of width of such side yard and may extend or project into a required front yard or rear yard not more than three feet.

Sec. 52-671 through Sec. 52-672.

No changes.

Sec. 52-673. Visibility.

(a) No structure, wall, fence, shrubbery or tree shall be erected, maintained or planted on any lot which will obstruct the view of the driver of a vehicle approaching an intersection, excepting that shrubbery and lot retaining walls not exceeding 2 1/2 feet in height above the curb level will be permitted. For

residential corner lots, this unobstructed area will be a triangular section of land formed by the two street curblines and a line connecting them at points 25 feet from the intersection of such curblines.

(b) On each side of a driveway, where it intersects with the property line, there shall be a clear- vision unobstructed area in the yard. That unobstructed area will be a triangular section of land formed by the driveway and the property line and a line connecting them at points 6 feet from the intersection of the driveway and the property line. On each side of a driveway, between the property line and the curb, there shall be a clear-vision unobstructed area in the right-of-way 6 feet out from and parallel to the driveway. Nothing over 2 ½ feet in height may be erected within these clear vision areas.

Sec. 52-674 through Sec. 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 (see definition of *Height, building*), and in no instance shall the accessory building exceed the ground floor area of the main building. If an attic is provided, it shall be used for storage purposes only and shall not be inhabited. This attic shall be less than a half storey (see definition for storey, half).

(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 zoning board of 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 canopy, tent, tarp or similar type structure shall not be considered or allowed as an accessory building

(11) 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.

(12) 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.

Sec. 52-677. Parking and storage of campers, travel trailers, and boats.

No changes.

Sec. 52-678. Automobile fuel and automobile service stations, public garages, and automobile repair facilities.

In order to regulate and control the problems of noise, odor, light, fumes, vibration, dust, danger of fire and explosion, and traffic congestion which result from the unrestricted and unregulated construction and operation of automobile service stations and repair facilities; to regulate and control the adverse effects which these and other problems incidental to the automobile service station may exercise upon adjacent and surrounding areas; and to control the problem of abandoned fuel stations which are a nuisance as well as a blighting influence on surrounding properties, the following additional regulations and requirements are provided for automobile service stations and automobile repair facilities located in any zoning district. All automobile fuel, automobile service stations and repair facilities erected after the effective date of the ordinance from which this chapter is derived shall comply with all requirements of this section. No automobile fuel, or service station, or repair facility existing on the effective date of the ordinance from which this chapter is derived shall be structurally altered so as to provide a lesser degree of conformity with this section than existed on the effective date of the ordinance from which this chapter is derived:

(1) An automobile fuel or service station or repair facility shall be located on a lot having a frontage along the principal street of not less than 150 feet and having a minimum area of not less than 15,000 square feet.

(2) An automobile fuel or service station or repair facility building housing an office and/or facilities for servicing, greasing and/or washing motor vehicles shall be located not less than 40 feet from any street lot line.

(3) All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building.

(4) An automobile fuel station located on a lot having an area of 15,000 square feet shall include not more than eight fuel pumps and two enclosed stalls for servicing, lubricating, greasing and/or washing motor vehicles. An additional two fuel pumps and/or one enclosed stall may be included with the provision of each additional 2,000 square feet of lot area.

(5) Where an automobile fuel, service station, or auto repair facility adjoins property located in any residential district, a masonry wall five feet in height shall be erected and maintained along the service station property line. All masonry walls shall be protected by a fixed curb or barrier to prevent vehicles from contacting the wall.

(6) All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent and neighboring property.

(7) When a structure designed and used for automobile service station or filling station purposes ceases to operate on a continuing basis for a period of 180 consecutive days, the owner of the premises shall be served written notice by the chief inspector of the requirement, within 60 days of the date of such notice, to either:

a. Resume operation of the premises on a continuing basis as a lawful automobile service station or filling station;

b. Lawfully convert such structure to another permitted use in that district; or

c. Demolish such structure and completely remove the debris from the premises.

All new automobile service stations or filling stations constructed after the effective date of the ordinance from which this chapter is derived shall be required to post a bond with the city in an amount equal to the estimated cost of demolition and clearance of improvements on the premises. Failure to comply with one of the three alternatives in this subsection shall empower the city to utilize such bond for the demolition and clearance of the premises in question.

(8) Abandoned automobile service or filling stations may be converted to a principal permitted use in the district in which such station is located, provided the following conditions are met:

a. The use shall not be out of harmony with the surrounding neighborhood by reason of its character or quality of development.

b. All fuel pumps and signs shall be removed, and underground fuel storage tanks shall be abandoned in conformance with prescribed city and state fire safety provisions.

c. All buildings shall meet all applicable requirements of the City Building Code for safety and structural condition.

d. There shall be adequate offstreet parking provided in accordance with article VI of this chapter.

e. No outside storage areas shall be permitted.

f. The use shall meet all area, height, bulk and placement requirements of the district in which such use is located in accordance with section 52-621.

g. The use shall comply with all other requirements of the applicable district unless otherwise provided in this chapter.

(9) Automobiles left for repair for more than two days shall be parked indoors or in the rear yard within a six foot tall screening fence. In industrial districts, parking of any automobiles to be repaired, including short term repairs, may not be parked in the required front yard or side yard setback. In any district, entire vehicles or chassis used for parts must also be stored indoors or in the rear yard out of public view within a six foot high screening fence; there may be no more than five such vehicles or chassis on the premises at any given time.

Sec. 52-679. Drive-in establishments.

No changes.

Sec. 52-680. Building grades.

Grading, the location of down spouts, driveways, irrigation systems, or landscaping for any building shall not result in adverse drainage to surrounding existing buildings or properties. For any new construction, the existing established grade of adjacent properties shall be used in determining the grade around the new building, and the yard around the new building shall be graded in such a manner as to meet existing grades, as long as such grading will not result in adverse drainage to surrounding existing buildings or properties. Landscaped areas, including berms and raised plantings, are not considered adverse if adequate drainage is provided.

Sec. 52-681 through 52-688.

No changes.

Sec. 52-689. Wireless communication facilities.

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

Attached wireless communication facilities means wireless communication facilities (antennas and panels) that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.

Collocation means the location by two or more wireless communication providers or wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.

Wireless communication facilities means and includes all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include but shall not be limited to radio towers, television towers, telephone devices and exchanges,

antennas, microwave relay towers, telephone transmission equipment, building and commercial mobile radio service facilities. Not included within this definition are citizen band radio facilities, shortwave facilities, ham and amateur radio facilities, satellite dishes and government facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

Wireless communication support structures means structures erected or modified to support wireless communication antennas. Support structures within this definition include but shall not be limited to monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

(b) *Permitted in certain districts and locations.* All new wireless communication facilities shall be permitted in any industrial zoned district, subject to compliance with applicable federal law, state law and city ordinances. The collocation of a wireless communication facility may be permitted in a C-1 or CBD zone when located on an existing common structure, tower, or building. Any accessory transformer box which must be placed on the ground shall be constructed according to all zoning and building regulations and shall be placed as close as possible to the support structure. Wireless communication facilities may be permitted on the following sites in all districts:

(1) City-owned sites.

(2) Other governmentally owned sites as necessary by city or county or state to ensure emergency communications, homeland security or disaster warning system.

(c) *Site plan approval.* All wireless communication facilities are subject to site plan approval by the planning commission and the application of all other standards contained in this section.

(d) *General requirements.* General requirements are as follows:

(1) A building permit shall be required for the erection, construction or alteration of any wireless communication facility and approved by the chief inspector as to compliance with the requirements of the zoning district wherein such wireless communication facility is to be located.

(2) The maximum height of a new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant and by other entities to collocate on the structure. The accessory building contemplated to enclose such things as switching equipment shall be limited to a maximum height of 12 feet, unless architectural features acceptable to the planning commission justify increased height.

(3) The minimum setback of a new or materially modified support structure from all abutting streets or adjacent property shall be a distance equal to the height of such structure, unless the applicant can certify that the tower is engineered to fall within the parcel if structural failure occurs.

(4) There shall be an unobstructed access to the support structure and switching equipment, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement.

(5) The use of high intensity (strobe) lighting on a wireless communication facility shall be prohibited, and the use of other lighting shall be prohibited absent a demonstrated need.

(6) Wireless communication facilities in excess of 100 feet in height above grade level shall be prohibited within a two-mile radius of a public airport or one-half-mile radius of a helipad.

(7) Where an attached wireless communication facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or in an accessory building. If proposed as an accessory building, it shall be compatible with the existing building and shall conform with all district requirements for principal buildings, including yard setbacks.

(8) Where the property containing a wireless communication facility adjoins any residentially zoned property or land use, the developer shall plant two alternating rows of evergreen trees with a minimum height of five feet on 20-foot centers along the entire perimeter of the tower and related structures. In no case shall the evergreens be any closer than ten feet from any structure.

Sec. 52-690 through Sec. 52-691.

No changes.

Sec. 52-692. Greenbelts.

(a) Whenever a greenbelt or planting strip is required in this chapter, it shall be completed prior to the issuance of any certificate of occupancy and shall thereafter be maintained with permanent plant materials, to provide a screen to abutting properties. Such greenbelts shall be planted and maintained with trees or shrubs deemed acceptable by the planning commission.

(b) A buffer strip shall be required as follows:

(1) There shall be a buffer strip with a minimum of a four-foot-high screening fence, continuous landscaping or solid masonry wall between:

a. Any new construction in the B, C-1, or CBD district and an R, R-1, A-1, or A-2 district or any residentially occupied property.

b. Any non-residential use in the Institutional Zone and a residential use.

c. Any non-residential use in a residential zone and a residential use.

d. Around the perimeter of a multiple-family development in an A-1 and A-2 zone.

(2) There shall be a buffer strip with a minimum of a six-foot-high screening fence, continuous landscaping, or solid masonry wall between any MD, M-1, or M-2 district or marina or industrial use and an R, R-1, A-1, or A-2 district or any residentially occupied property.

(3) Outdoor storage where allowed in a C-1, MD, M-1, or M-2 district shall be totally obscured by a screening fence, solid masonry wall, or landscaping a minimum of six feet high to screen such areas from public streets and adjoining properties. Any commercial, marina, or industrial use where storage is allowed or existing outside of the districts listed in this subsection shall comply with this subsection.

(4) Buffer strips shall be as required in other parts of this chapter.

Sec. 52-693. Fences, walls and other protective barriers.

All fences, walls and other protective barriers, referred to in this section as "fences," of any nature, description, located in the city shall conform to the following:

(1) The erection, construction, or alteration of any fence shall be approved by the chief inspector in compliance with this chapter.

(2) Fences, unless specifically provided otherwise, shall conform to the following:

a. In all districts, a permitted fence shall not exceed six feet in height above the preexisting grade of the surrounding land. A variance from the zoning board of appeals may be granted for a greater height.

b. In other than the M-1 and M-2 districts, barbed wire, spikes, nails or any other sharp instruments of any kind are prohibited on the top or on the sides of any fence, except that barbed wire cradles may be placed on top of fences enclosing public utility buildings or equipment in any district or wherever deemed necessary by the planning commission in the interests of public safety, or protection of private property.

(3) Setbacks for fences shall be as follows:

a. In all residential districts, fences are not allowed in the required front yard setback or street side yard setback, unless otherwise noted. In the R, R-1, A-1, and A-2 districts, in the required front yards setback (not on the waterfront) and street side yards setback, ornamental fences and walls for decorative or landscaping purposes, not exceeding 36 inches in height as measured from the established sidewalk or top of curb grade, may be located on the property line provided it does not obstruct the view of traffic (see section 52-673). Such ornamental fences or walls allowed in the front yard shall include white picket (wood or vinyl) or wrought iron fences, and stone or brick walls. Front yard fences not considered to be ornamental are chainlink, wire, stockade, or plain concrete block. It shall be the discretion of the planning department to determine if such fence is ornamental. In order to obtain a building permit, a site plan with the location of such ornamental fence shown on the property and an elevation drawing or picture of the type of fence to be erected shall be submitted. Fences in the rear or side yard, not abutting a street, may be placed at the property line. Fences in the front yards on the waterfront (lakes, rivers, or canals) shall follow the regulations as indicated in section 52-621 of this chapter.

b. In M-1, M-2, and I districts, setbacks for fences must conform to building setbacks in the front yard and street side yard. Fences in the rear yard or side yard may be placed at the property line.

c. In the C-1, CBD, B, MD, and CCD districts, fences may be erected at the property line in all yards. When adjacent to a residential district, the setbacks for fences in the front yard or street side yard shall be as required for the setback of the building.

(4) No screening fence shall be erected, established or maintained on any lot which will obstruct the view of a driver of a vehicle approaching the street or sidewalk, with the exception that shade trees shall be permitted where all branches are not less than eight feet above the road level. (See section 52-673.)

(5) Electrified fences are not allowed within the corporate limits of the city. This does not include in-ground pet fences.

Sec. 52-694. Solid waste disposal.

Adequate solid waste disposal facilities shall be required in the A-1, A-2, B, C-1, CBD, M-1 and M-2 districts or at any nonresidential use within the R or R-1 district. Where off-site disposal is provided, it shall comply with the following:

(1) Adequate vehicular access shall be provided to such solid waste containers for truck pickup either via a public alley or vehicular access aisle which does not conflict with the use of offstreet parking areas or entrances to or exits from principal buildings nearby. When a public alley is utilized for truck access, said alley shall not be adjacent to a residence. In addition, said alley must be wide enough for the truck to maneuver without entering an adjacent private property.

(2) A solid ornamental screening wall or fence shall be provided around all sides of solid waste containers which shall be provided with a gate for access and shall be of such height as to completely screen such containers, the maximum height of which shall not exceed six feet.

(3) The solid waste containers, the screen wall or fence and the surrounding ground area shall be maintained in a neat and orderly appearance, free from solid waste. This maintenance, including collection and disposal of solid waste, shall be the responsibility of the owner of the premises on which the containers are placed.

(4) There shall be compliance with all county and state ordinances and statutes and chapter 38.

(5) A refuse container, or dumpster, must be located a minimum of twenty feet from the property line of a residence.

Sec. 52-695. Home occupations.

(a) A home occupation is an activity carried out for gainful purposes by a resident of the dwelling and conducted as a customarily incidental use to the dwelling unit.

(b) For this chapter, there shall be two distinct types of home occupation: passive and active home occupations.

(1) *Passive home occupations.* Passive home occupations shall not require any client or customer traffic to visit the home. This type of home occupation shall be allowed in any residential district without special approval. Examples of a passive home occupation would be an office of a salesperson who makes telephone calls to clients or goes out to visit the client.

(2) *Active home occupations.* Active home occupations generate customer traffic to the home, and active use shall require a special approval use permit from the planning commission and city council. Examples of an active home occupation would be an office of a tax preparer who receives clients to the home.

Certain active home occupations do not require a special permit from the planning commission as the state guarantees them by right to be allowed in a residential district. These home occupations allowed by state law are those occupations in "instruction of the crafts or fine arts." For example a tutor in mathematics, a music instructor, or a piano teacher is allowed as a home occupation and can receive clients at the home without a special permit. Such instructional occupation shall still be governed by the conditions and criteria for a home occupation as it is listed in this section and is limited to the hours of operation, number of students, etc.

(c) Within a community, certain limited home occupation uses can be useful to both the general community as well as the resident proprietor. There is a need for some citizens to use their place of residence for limited nonresidential activities; however, the need to protect the integrity of a residential area is of primary concern. It is the intent of this chapter to:

(1) Allow freedom of the individual property owner, yet not infringe upon the security of the community's interest or restrict the greater good of the public.

(2) Ensure compatibility of such home occupation with other permitted uses of a residential district.

(3) Retain the residential character of the neighborhood involved.

(4) Defend the privacy of surrounding residents and not create an inappropriate atmosphere for family life.

(5) Protect the health, safety, morals, and welfare of the adjacent residents.

(6) Guarantee all residents freedom from excessive noise, excessive traffic, nuisance, fire hazard, and other possible effects of commercial uses being conducted in residential areas.

(d) All home occupations, both passive and active, must meet the following conditions and criteria:

(1) Only members of the immediate family on the premises may be employed by such occupation.

(2) Such use shall be clearly incidental and secondary to the dwelling for dwelling purposes. The primary function of the premises shall be that of the residence of the family, and the occupation shall not exceed ten percent of any one floor of the principal building.

(3) No more than one home occupation shall be permitted within any single dwelling unit.

(4) All activity shall be operated in its entirety within the preexisting dwelling and not within any garage or accessory building located upon the premises, except for incidental storage which may be allowed within a residential-type garage upon the premises. The warehousing of retail or wholesale merchandise is prohibited. There shall be no outside storage or processing.

(5) No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other restricted materials shall be used or stored on the site.

(6) No activity is allowed which would constitute a nuisance to surrounding property or which would endanger the health, safety, and welfare of any other persons residing in that area by reason of noise, noxious odors, smoke, fumes, dust, heat, vibrations, unsanitary or unsightly conditions, fire hazards, electrical disturbances, night lighting, glare, and the like which is noticeable at or beyond the property line or beyond the walls of the dwelling unit if the unit is part of a multifamily structure.

(7) Such home occupation shall be in compliance with all city, county, and state codes, laws, and regulations.

(8) Such use shall not require internal or external alterations or construction other than that which may be required to meet city, county or state safety or construction code standards as authorized by the city.

(9) There shall be no signage, advertising, or product displayed which is visible from the street or adjacent property.

(10) No external evidence of such home occupation shall be allowed indicating from the exterior that it is being used for anything but a dwelling.

(11) No sale or rental of goods shall be allowed on the premises. Any goods produced on the premises must be sold off the premises. Samples, not produced on the premises, may be displayed but not sold on the premises. No food or beverages shall be sold on the premises.

(12) Customers for the active home occupation shall be accommodated on an appointment basis. Walk-in business, where the premises are generally open to customers without an appointment, shall not be allowed. Business shall be conducted from 8:00 a.m. to 8:00 p.m. There shall be a limit of six customers per day, and the business shall not service more than one client or customer at a time on the premises.

(13) Traffic and parking shall be in accordance with the following:

a. Adequate offstreet parking shall be provided on site for residents and customers.

b. Paving of any yard area other than normal driveway areas to accommodate parking for home occupations is prohibited.

c. The home occupation shall not generate a volume or character of pedestrian or vehicular traffic beyond that normally generated by homes in the residential neighborhood.

d. Only deliveries normally and reasonably occurring for a residence shall be made to the home. Delivery vehicles shall not restrict traffic circulation.

(14) When applying for a special permit for a home occupation, there shall be no violation against a property or dwelling before such residence may be issued a special permit for such home occupation.

(15) Activities specifically prohibited include small engine repair, repair or service of motor vehicles and other large equipment, and service or manufacturing processes which would normally require industrial zoning. The use of equipment or machinery industrial in nature is prohibited. Only mechanical equipment ordinarily used for residential, domestic, or household purposes or as deemed similar to power and type is allowed.

(16) A personal service business requiring physical contact with the client or a service which is directly performed on or to the client's body is not considered a home occupation by this chapter.

(17) Any advertising of the home occupation may include the telephone number, but shall not carry the residential address of such occupation in order to prevent walk-in customers without appointment.

(18) Home occupations which have been granted a special permit are not transferable to the following:

a. Subsequent occupants of the residence.
b. A different residence if the occupant relocates.

(19) Such other reasonable conditions and limitations may be imposed by the planning commission to protect nearby residential premises and persons.

(20) No home occupation shall involve the care or treatment of animals or pets.

(21) Some business or professional offices may be used as a home occupation. It will be the final decision of the planning department to determine what types of offices qualify as a home occupation. These offices normally serve one client at a time and customer traffic is minimal. A “home occupation” office shall be the location where the business owner lives and the office is a minor use. The following offices, may be considered a home occupation provided all of the regulations of a passive and active home occupation apply:

a. Typing or secretarial services
b. Bookkeeping, accounting, or tax preparation services.
c. Home office of a sales representative such as Avon, Mary Kay, Amway, etc.
d. Insurance agent
e. Real estate agent
f. Architect or engineer

The following offices cannot be considered as home occupations:

a. Medical office of a doctor, dentist, chiropractor, etc.
b. Veterinarian office or clinic
c. Office of a physical therapist or massage therapist

(22) Any home occupation which consists of an occupation which must be state or federally licensed must first obtain such license before the home occupation permit can be granted.

(23) Following is a list of examples of home occupations, which is not intended to limit the kinds of home occupations that can comply with the conditions of this section:

a. Seamstress.
b. Handicrafts.
c. Typing, secretarial services.
d. Bookkeeping, accounting services.
e. Tutoring and/or instruction of the crafts or fine arts, limited to one student at a time (does not require a special permit).
f. Home office of a sales representative.

(24) Following is a list of examples of what is not considered a home occupation by this chapter due to the fact that, by the nature of the investment or operation, it has a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations and thereby impairs the use and value of a residentially zoned area for residence purposes and is more suited to professional or business districts. This list is not intended to limit the kinds of uses which are deemed not to comply with the conditions of this section:

a. Small engine repair, automotive repairs, automotive detailing, taxi dispatch service.
b. Dog grooming.
c. Kennels.
d. Restaurants.
e. Bed and breakfasts or tourist homes.
f. Psychic reading.
g. Tearooms.
h. Child or adult day care.
i. Repair, painting, or sale of motorized vehicles.
j. Welding or machine shops.
k. Catering.
l. Personal service business requiring bodily contact with the client such as the business of a barber or beautician, tattoo artist, nail technician, physical therapist, or massage therapist, etc.

m. Taxi service dispatch.
n. Tattoo or body piercing establishment.
o. Retail shop.

Sec. 52-696. Bed and breakfast facilities.

No changes.

Sec. 52-697. Site plan review.

(a) The purpose of site plan review is to determine compliance with the sections set forth in this chapter and to promote the orderly development of the city, the stability of land values and investments and general welfare, and to help prevent the impairment or depreciation of land values and development by the erection of structures or additions or alterations thereto without proper attention to siting and appearance. This section shall apply to all site plan review procedures unless otherwise provided in this chapter. The procedures of this section shall be minimum requirements, and additional procedures may be required by this chapter or by the planning commission.

(b) Whenever site plan review is required by this chapter, a copy of the site plan, including all items required together therewith, shall be submitted to the planning commission. A site plan review application, to have site plan approval for a particular use, shall be submitted to the Planning Director, 100 McMorran Boulevard, Port Huron, Michigan 48060. Include the name of the development; the proposed use; the property owner's name and/or the applicant's name, address, and daytime telephone number. If the applicant is not the property owner, please indicate as such and the relationship thereto (for example, if the applicant is the contractor, realtor, developer, etc.). A copy of a purchase agreement may be requested, if the applicant is not the property owner. The planning commission may prepare forms and require the use of such information in site plan preparation. The fee for an application for site plan review or approval shall be adopted by resolution of the city council and amended, as necessary, by resolution of the city council.

(c) A copy of the site plan shall be distributed by the planning commission to such individuals and agencies as deemed necessary by the planning commission.

(d) The following information shall accompany all plans submitted for review:

(1) A legal description of the property under consideration.

(2) A copy of the site plan is required on a 8 1/2-inch by 11-inch paper and a 24-inch by 36-inch sheet. A map indicating the gross land area of the development, the present zoning classification thereof, and the zoning classification and land use of the area surrounding the proposed development, including the location of structures and other improvements, is required. All property and building dimensions shall be indicated. The map shall be drawn to scale by a licensed surveyor, engineer, or architect. All letters and numbers on the map shall be clearly legible. When possible, a site plan can be submitted as a computer file in a format readable by AutoCAD in lieu of a paper copy.

(3) The 8 1/2-inch by 11-inch site plan shall be a general development plan with at least the following details shown to scale and dimensioned:

a. Location of each existing and each proposed structure in the development area, the use to be contained therein, the number of stories, gross building areas, distances between structures and lot lines, setback lines, and approximate location of vehicular entrances and loading points; location of structures on adjacent properties in respect to the property lines.

b. All streets, driveways, easements, service aisles and parking areas, including general layout and design of parking lot spaces in accordance with article VI of this chapter.

c. All pedestrian walks, malls and open areas for parks and recreation.

d. Location and height of all walls, fences and screen planting, including general plan for the landscaping of the development and the method by which landscaping is to be accomplished and be maintained; location of dumpsters, if necessary for such use.

e. Types of surfacing, such as paving, turfing or gravel, to be used at the various locations.

(4) A separate 24-inch by 36-inch drawing of the site shall be submitted with the requirements of subsection (d)(3) of this section as well as the following details:

a. A grading plan of the area with topographic information.

b. Existing and proposed utilities.

(5) Plans and elevations of one or more structures, indicating proposed architecture and construction standards.

(6) Such other information as may be required by the city to assist in the consideration of the proposed development.

(7) Any rezonings, lot splits, zoning variances, etc., which are required for the proposed use shall occur before a site plan can be reviewed.

(8) Public rights-of-way (alleys or streets) or utility easements which may need to be vacated for construction purposes shall be vacated prior to any site plan approval. If utility easements need to be relocated, letters from the appropriate utility companies authorizing the relocation shall be provided before such existing easements can be vacated.

(e) In order that buildings, open space and landscaping will be in harmony with other structures and improvements in the area and to ensure that no undesirable health, safety, noise and traffic conditions will result from the development, the planning commission shall determine whether the site plan meets the following criteria, unless the planning commission determines that one or more of such criteria are inapplicable:

(1) The vehicular transportation system shall provide for circulation throughout the site and for efficient ingress and egress to all parts of the site by fire and safety equipment.

(2) Pedestrian walkways shall be provided as deemed necessary by the planning commission for separating pedestrian and vehicular traffic.

(3) Recreation and open space areas shall be provided in all multiple-family residential developments.

(4) The site plan shall comply with the district requirements for minimum floor space, height of buildings, lot size, yard space, density and all other requirements as set forth in section 52-621 of this chapter unless otherwise provided in this chapter.

(5) The requirements for greenbelts, fencing, and walls, and other protective barriers shall be complied with as provided in section 52-693.

(6) The site plan shall provide for adequate storage space for the use therein, including, where necessary, storage space for recreational vehicles.

(7) The site plan shall comply with all requirements of the applicable zoning district, unless otherwise provided in this chapter.

(f) The site plan shall be reviewed by the planning commission and approved, disapproved or approved with any conditions the planning commission feels should be imposed. However, the applicant shall have the right to appeal to the city council for a site plan disapproved by the planning commission, provided that the appeal is filed within 30 days after planning commission denial.

(g) The building permit may be revoked by the chief inspector when the conditions of the site plan as approved by the planning commission have not been complied with as provided in section 52-41(b)(2).

(h) Any structure or use added subsequent to the initial site plan approval must be approved by the planning commission.

Incidental and minor variations of the approved site plan with written approval of the planning director shall not invalidate prior site plan approval.

Sec. 52-698. Standards for decisions.

Notwithstanding anything to the contrary contained in this chapter and to secure compliance with Public Act 110 of 2006 (MCL 125.3101 et seq.) with respect to procedures contained in this chapter pertinent to special land uses and/or planned unit developments or concepts in this chapter under different terminology designed to accomplish similar objectives of a reviewing process, such reviewing process is delegated to the planning commission. Any site plan review required pertinent to this section is also hereby similarly delegated notwithstanding any other section to the contrary. In addition to specific standards which may be applicable, the following standards shall serve as the basis for decisions involving special land uses, planned unit developments, and other discretionary decisions contained in this chapter. The proposed use or activity shall:

(1) Be compatible with adjacent uses of land;

(2) Be consistent with and promote the intent and purpose of this chapter;

(3) Be compatible with the natural environment;

(4) Be consistent with the capabilities of public services and facilities affected by the proposed use; and

(5) Protect the public health, safety, and welfare.

Sec. 52-699. New construction design guidelines for residential dwellings.

Renovations or new construction of single-family and two-family residential dwellings shall be compatible in design and appearance to dwellings in the neighborhood it is located. The zoning administrator shall determine whether this standard is met by reviewing the following criteria:

(1) New construction of residential dwellings shall be compatible with the scale, height, period style, and architectural design of existing homes within the block surrounding the lot.

(2) The front entrance of the home shall face the front street side of the lot. New homes shall not be established/constructed on the lot sideways. On corner lots, the main entrance may face either of the streets if in accordance with other applicable codes and ordinances.

(3) Setbacks are to be in accordance with this chapter; exceptions may be made to allow for setback to reflect the average established setback line of existing, adjacent buildings only if it can be shown that the required setback would dramatically alter the line of site, privacy and aesthetics of the neighboring area.

(4) Not more than 50 percent of the inside length of an attached garage may protrude out past the front facade wall of the home unless the vehicle garage doors are on the side of the garage and not facing the street. The street side shall incorporate building design elements and materials to blend with the front facade and shall include windows and trim. If a garage is attached to the main structure, it can protrude out past the house by any distance, within proper setbacks, if part of the living quarters of the main dwelling is above the garage. This living space above the garage must not be a separate residential dwelling unit and must be accessed through the main part of the house not through a set of stairs in the garage. The roof of the attached garage cannot be more than 3 feet higher than the roof peak of the dwelling unless part of the living space of the main dwelling is built as a second story over the garage. Garage width may not exceed more than 60 percent of the home's front facade width.

(5) Garage walls are to be no more than ten feet high excluding the portion of the wall within a gable end. The roof height may not extend more than three feet above the roof peak of the dwelling. Exception is noted for those structures that are attached garages with a portion of the principle structure's living space constructed above the garage.

(6) When alleys are existing for access, the development of garages and parking pads to be adjacent to the alley rather than the street frontage is preferred.

(7) The original scale, proportions, lines and exterior construction materials of the surrounding environment shall be respected, compatible and enhanced.

(8) Front entrances and porches must include design elements that are similar in scale, height and design to those on original existing structures in the neighborhood.

(9) New residential construction requires the construction of a garage structure. Dwellings of less than 1,100 square feet require a minimum one car enclosed garage per residential unit; dwellings of 1,100 square feet or more require a minimum of a two car enclosed garage per residential unit. The enclosed garage may be attached or unattached and must meet the appropriate setbacks and all other regulations.

a. A one car garage shall be a minimum size of 12' wide by 22' long.

b. A two car garage shall be a minimum size of 24' wide by 22' long.

Sec. 52-700 through Sec. 52-702.

No changes.

Sec. 52-703 Alternative Energy Devices.

To help offset the increasing costs of electricity and heat supplied by fossil-fuels, many property owners may wish to have alternative forms of energy. This may be accomplished in a number of ways. Due to the close proximity of buildings within a city, it has been deemed necessary to allow only certain types of alternative energy devices to be placed on properties and to have restrictions on these devices for safety and security purposes. The devices allowed are:

(1) Solar panels - Solar energy is a source of energy that uses radiation emitted by the sun. A solar panel is a device that collects and converts solar energy into electricity or heat.

a. Solar energy panels are allowed in all zoning districts.

b. Solar panels may not be placed on any side of a house or building facing the street. Panels may only be placed flush along the walls or roof of a structure and shall be in placed in accordance with the rules and regulations of Division 16. Schedule of Regulations in regards to setbacks, heights, etc per the district that the panels are located. The panels may be placed on an accessory building. Accessory buildings must be built per the requirements of Section 52-676.

c. Panels may not be placed so as to reflect glare into any neighboring property or the street.

(2) Wind turbine – A wind turbine or wind energy conversion system means any device which converts wind energy to mechanical or electrical energy.

a. Wind turbines are allowed in any zone with a special approval use permit. The property size must be a minimum of two or more acres of land. A site plan indicating the location of the turbine and any ancillary equipment shall be located on the drawing.

b. The setback of the tower must be equal to the height of the tower (the distance from the base of the tower to the top of the unit) plus one-half the rotor (blade) diameter.

c. Maximum height of the wind turbine shall be that of the zoning district in which it is located and shall comply with all Federal Aviation Administration and Michigan Airport Zoning Act (PA 23 of 1950, MCL 259.431 et seq.).

d. The minimum distance between the ground and the blades, shall be 20 feet, as measured at the lowest point of the arc of the blades.

e. Wind turbines shall have an automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. The maximum wind speed the wind turbine can operate without incurring structural damage or function abnormally, shall be at least 80 mph.

f. All wind towers shall have lighting protection.

g. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors.

h. The tower, and any auxiliary mechanical equipment, shall be enclosed with a six-foot fence, unless the base of the tower is not climbable for a distance of twelve feet.

i. Wind turbines may have a vertical or horizontal rotor.

(3) Outdoor Burning devices – A burning device, is any apparatus or appliance, other than a barbecue grill, that burns a material such as wood, corn, pellets, waste materials, compost, vegetable oils, automotive waste oil/fuel, water, or similar material for the purpose of creating energy and is not located within the walls of the main dwelling or main structure. Outdoor Burning devices for the purpose of alternative fuel to heat industrial, commercial, or residential structures is not allowed.

(4) General requirements for any alternative energy device and ancillary equipment:

a. Any alternative energy device, or ancillary equipment, must be installed incompliance with all local building, electrical, heating and plumbing, fire, and zoning codes. A building permit and appropriate electrical, HVAC, or plumbing permits must be obtained. Any structural designs must be signed and sealed by a professional, certified engineer. When placing equipment on the roof of a structure, a load design must be approved.

b. No noise shall be created by any device or ancillary equipment which can be heard at the property line.

c. The placement of any device shall not interfere with the reception, transmission, or broadcast of radio, television, microwave, wireless or other personal communication systems.

d. The location of any alternative energy device shall not create any immediate or future danger for any adjacent properties or persons.

e. All equipment must be certified and tested by the Underwriters' Laboratories, Inc. or other such applicable independent accrediting agency.

f. If there is a proposed interface with a utility company's existing grid, if applicable, there shall be a notification in writing given to that utility company affected prior to the installation of such interface. A copy of such notification shall be given to the city and kept on file with all permits.

g. All alternative energy apparatus shall be kept in good repair and sound condition. Any equipment which has been abandoned or not utilized for a period of one year, shall be dismantled and removed from the property within 60 days.

Secs. 52-704--52-730. Reserved.

ARTICLE V.
NONCONFORMING USES AND BUILDINGS

Sec. 52-731. Nonconformance regulated.

No changes.

Sec. 52-732. Nonconforming uses of land.

Where, at the time of passage of the ordinance from which this chapter is derived, lawful use of land exists which would not be permitted by the regulations imposed by this chapter and where such use involves no individual structure with an assessed value exceeding $500.00, the use may be continued so long as it remains otherwise lawful, provided:

(1) No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of the ordinance from which this chapter is derived or amendment of this chapter.

(2) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of the ordinance from which this chapter is derived or amendment of this chapter.

(3) If any such nonconforming use of land ceases for any reason for a period of more than six months, such land shall conform to the regulations specified by this chapter for the district in which such land is located.

(4) No additional structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land.

Sec. 52-733 through Sec. 52-734.

No changes.

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 and provided that the lot is under a different ownership from an adjacent lot. 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 single lot of record**,** that is owned separately from an adjacent lot, 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 nonconforming lot of any width, the yard setbacks for the structures, lot coverage, and other requirements, not involving area or width or both of the lot, shall conform to the regulations for the district in which such lot is located.

Sec. 52-736. Repairs and maintenance.

(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.

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 50 percent of the state equalized value (SEV) of the entire building, a single-family dwelling which was built on a nonconforming 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 nonconforming lot of record may be reconstructed as a single-family home if it is in a zone which allows single-family dwellings. The footprint may need to be adjusted to accommodate for required parking on the site. If possible required yard setbacks shall be applied. Appropriate permits and approvals must be obtained prior to reconstruction. All other nonconforming buildings or structures must conform to the appropriate zoning regulations prior to obtaining a permit for reconstruction. Where pending insurance claims require an extension of time, the chief inspector may grant a time extension provided that the property owner submit a certification from the insurance company attesting to the delay. Until such time as the debris from the fire damage is fully removed, the premises shall be adequately fenced or screened from access by children who may be attracted to the premises.

Sec. 52-738 through Sec. 52-770.

No changes.

ARTICLE VI.
OFFSTREET PARKING AND LOADING REQUIREMENTS

Sec. 52-771. Required offstreet parking generally.

(a) Offstreet parking in conjunction with all land and building uses shall be provided as follows:

(1) For the purpose of this article, the size of a parking space shall be determined in accordance with the table in section 52-773, the minimum requirements for offstreet parking facilities.

An alley may be used as access to a residential parking area, provided the alley is open to the public. For commercial or industrial parking lots, an alley may be used for access to the parking lot, provided the public alley is not located adjacent to residential properties. The alley must be the minimum width of the required maneuvering lane in order to be accessible. Said alley will need to be paved and properly drained.

(2) When units or measurements determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall require one parking space.

(3) The minimum number of offstreet parking spaces shall be determined in accordance with the table in section 52-772. For uses not specifically mentioned therein, offstreet parking requirements shall be interpreted by the zoning board of appeals from requirements for similar uses.

(4) Any area once designated as required offstreet parking shall never be changed to any other use unless and until equally required facilities are provided elsewhere. Offstreet parking existing at the effective date of the ordinance from which this chapter is derived in connection with the operation of an existing building or use shall not be reduced to an amount less than would be required for such building or use.

(5) Offstreet parking may be provided either by individual action or by a parking program carried out through public action, whether by a special assessment district or otherwise.

(6) Required offstreet parking shall be for the use of occupants, employees, visitors, and patrons and shall be limited in use to motor vehicles. The storage of merchandise, motor vehicles for sale, or the repair of vehicles is prohibited. All offstreet parking, whether public or private, shall be on the same lot, or adjacent lot, of the building it is intended to serve, except in the central business district (CBD district) as defined: beginning in the centerline of the street at the intersection of Glenwood Avenue and Erie Street; thence proceeding south along the centerline of Erie Street, across the Black River; thence south along the centerline of Seventh Street to the intersection of Seventh Street and Court Street; thence east along the centerline of Court Street extended to the west bank of the St. Clair River; thence north along the west bank of the St. Clair River to the extended centerline of Glenwood Avenue; thence west along such extended centerline to the point of beginning of this description. There are no offstreet parking requirements within the above-described central business district, except for residential use. Also, any new buildings for any use shall require parking on site per the parking requirements of article VI.

(7) Residential offstreet parking space shall consist of a parking strip, garage, or a combination thereof and shall be located on the premises it is intended to serve. The parking area shall not be in the required setback for the front yard or street side yard, except cars are allowed to park in a permitted paved driveway in front of a garage door within the required setback for the front yard or street side yard, provided the cars do not overhang into the right-of-way. Residential driveways can be paved to the interior side property line, provided the driveway is not leading to a parking lot (see section 52-773). For any new construction, all access drives and parking areas shall be paved with concrete or bituminous concrete surfacing. A curb cut shall be required.

(8) Nothing in this article shall be construed to prevent the collective provision of offstreet parking facilities for two or more buildings or uses in non-residential districts, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the table in section 52-772.

a. If a parking lot is to be shared by two or more buildings, the lot must be adjacent to all buildings it is intended to serve and cannot be separated by a street or by another private property.

b. If the lot is separated by another private property, and there is access by a public sidewalk around that private property, approval from the planning department will be required for the parking lot to be shared.

c. Permission from all owners of the parking lots sharing parking shall be submitted in writing to the Planning department.

d. In the C-1, CBD, M-1, and M-2 zones parking lots may be separated by a street with a variance from the zoning board of appeals. An engineered site plan shall be submitted for approval to the planning department.

(9) In stadiums, sports arenas, churches and other places of assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each 24 inches of such seating facilities shall be counted as one seat for the purpose of determining requirements for offstreet parking facilities under this article.

(b) The city council may, upon recommendation of the planning commission, vary or modify the parking space requirements set forth in this chapter as follows: If existing offstreet parking facilities have unused parking capacity and where such facilities are open to the use of the public free of charge or at reasonable rates, the city council may reduce the parking space requirement for any use within 300 feet from such facility, provided that the total number of stalls in such reduction shall be not greater than the total number of stalls of excess capacity.

Sec. 52-772. Table of offstreet parking requirements.

No changes.

Sec. 52-773. Offstreet parking lot layout, construction and maintenance.

Wherever a new parking lot is constructed or an existing parking lot is expanded as required offstreet parking, such parking lot shall be laid out, constructed, and maintained in accordance with the following requirements:

(1) The building of a parking lot is subject to the requirements for a building permit. The chief inspector shall review the application on the basis of the requirements set forth in subsections (2)--(10) of this section, and such application may be referred to the traffic study committee for review as to the effects of traffic generation and circulation.

(2) Each parking space shall constitute a net land area as determined by the minimum requirements for offstreet parking facilities as indicated in this section.

(3) Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for vehicles.

(4) Parking lots in residential**,** industrial**,** and institutional districts are not allowed in the front yards. In the street side yard, all setbacks, as for buildings, shall apply. Side and rear yard setbacks for parking lots and their access drives in residential districts shall be five feet from the property lines. In a residential district, cars are allowed to park in a permitted paved driveway in front of a garage door within the front yard setback, provided the cars do not overhang into the right-of-way.

(5) The required setback of parking spaces where the parking lot abuts a residential district or residentially occupied property shall apply to commercial, industrial, and institutional parking lots as well as parking lots for multi-family housing adjacent to single- and two-family homes and shall be as follows:

a. *Side lot lines:* Five feet from such side lot line.

b. *Contiguous common frontage in the same block:* Five feet from the street lot line.

c. *Rear lot line:* Five feet.

(6) There shall be bumper stops**,** wheel chocks (stops), or parking blocks, provided so as to prevent any vehicle from projecting past its own parking space and into a maneuvering lane, a sidewalk, adjacent parking space, or over the lot line.

(7) The parking lot shall have an approvable drainage plan that complies with requirements for qualitative and quantitative controls. These controls shall be in compliance with the National Pollutant Discharge Elimination System Storm Water Permit as issued to the City of Port Huron.

(8) The surface of the parking lot, including drives and aisles, excepting the buffer strips, shall be constructed of a concrete or bituminous concrete surfacing. An existing gravel parking lot can remain as is, unless the building or a unit in a building the lot is intended to serve goes vacant for six months or if the building is renovated over 50% of its state equalized value. Before occupancy of the building or unit, the gravel parking lot shall be paved, striped, and drained, and shall have enough parking and handicapped spaces to accommodate the new use of the building or unit to be occupied. If additional parking spaces need to be added to an existing gravel lot, the entire lot shall be paved and constructed according to building and zoning codes. The above shall apply to both residential and nonresidential properties.

(9) Outdoor lighting shall be in accordance with the following:

a. Parking areas and other common or public areas and facilities that are lighted to ensure the safety of persons and the security of property shall have outdoor lighting levels as follows (values are provided in minimum average horizontal footcandles maintained at grade):

1. Parking areas: 1.0.
2. Buildings:
   i. Entrance and exit areas: 5.0.
   ii. General grounds: 0.5.

b. Lighting shall be designed and located such that the maximum illumination at the property line shall not exceed a maximum average horizontal footcandle of 0.3 for noncutoff lights and 1.5 for cutoff lights.

c. Lighting sources shall be shielded or arranged as to not produce glare within any public right-of-way or constitute a nuisance to the occupants of adjacent properties. This can be done through the use of directional lighting, special fixtures, timing devices, appropriate light intensities, luminaries and mounting at appropriate heights.

d. With the exception of lighting along public rights-of-way, lighting is to be designed, located and mounted at heights no greater than:

1. Ten feet above grade for noncutoff lights.
2. Twenty feet above grade for cutoff lights. Only under extreme circumstances shall a light be permitted higher.

(10) Parking structures may be built to satisfy offstreet parking requirements, when located in a commercial or industrial district, subject to the area, height, bulk and placement regulations of such district in which located.

(11) Every parcel of land used as an automobile or trailer sales area or as an automobile service station shall be subject to the requirements of subsections (1) through (10) of this section.

(12) A four-foot high screening fence, solid masonry wall, or continuous landscaping shall be constructed and maintained along those property lines separating a parking lot from adjoining residential properties.

(13) Plans for the layout of offstreet parking facilities shall be in accordance with the following minimum requirements:

Parking Pattern	Maneuvering Lane Width (feet)	Parking Space Width (feet)	Parking Space Length (feet)	Total Width of One Tier of Spaces Plus Maneuvering Lane (feet)	Total Width of Two Tiers of Spaces Plus Maneuvering Lane (feet)
0° (parallel parking)	20	8	23	20	28
30° to 53°	20	9	20	33	53
54° to 74°	20	9	21	39	60
75° to 90°	25	9	19	44	63

Sec. 52-774. Offstreet waiting area for drive-thru facilities.

(a) For the purposes of this section, an offstreet waiting space is defined as an area ten feet wide by 20 feet long and shall not include the use of any public space, street, alley or sidewalk and shall be located entirely within the commercial zoning district.

(b) On the same premises with every building, structure or part thereof erected and occupied for the purpose of serving customers in their automobiles by means of a service window or similar arrangement where the automobile engine is not turned off, there shall be provided five offstreet waiting spaces for each service window.

(c) Automatic autowash establishments shall provide a minimum of 15 offstreet waiting spaces, with at least one offstreet waiting space on the exit side, for each wash lane. Manual or coin-operated autowash establishments shall provide at least three offstreet waiting spaces on the entrance side of each autowash stall, and one offstreet waiting space on the exit side for each autowash stall.

Sec. 52-775 through 52-810.

No changes.

ARTICLE VII. SIGNS

Sec. 52-811 through 52-813.

No changes.

Sec. 52-814. Definitions.

(a) *General definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Sign means any advertising display, including its supporting structure, consisting of any letter, figure, character, mark, point, plane, marquee sign, poster, pictorial picture, stroke, stripe, line, trademark, reading matter of illuminating device, constructed, attached, erected, fastened, painted, or manufactured in any manner whatsoever so that the sign is or may be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever and displayed in any manner whatsoever out-of-doors for recognized advertising purposes.

(b) *Types of signs.* The following words, terms and phrases regarding types of signs, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Accessory sign and *on-premises sign* mean a sign which advertises goods, services, facilities, events or attractions pertaining to the principal use of the premises where located. Accessory signs include wall signs, awnings, illuminated signs, projecting signs, roof signs, marquee signs, ground signs and directional signs.

Awning means a roof-like structure, often made of canvas or plastic, that serves as a shelter, decoration, or advertisement, as over a storefront, window, door, or deck, which projects beyond the face of the building. An awning by itself is not a sign. An awning with lettering, a logo, or some form of advertising display is considered to be a sign.

Festoon sign means a sign where incandescent lightbulbs, banners or pennants or other such features are hung or strung overhead and are not an integral physical part of the building or structure they are intended to serve. Any electrical device shall be installed pursuant to the city electrical code. Festoon signs shall be considered a temporary sign.

Flashing sign, animated sign and *moving sign* mean a sign that intermittently reflects lights from either an artificial source or from the sun or a sign which has movement of any illumination such as intermittent, flashing, oscillating or varying intensity or a sign that has any visible portion in motion, either constantly or at intervals, which motion may be caused by either artificial or natural sources.

Ground sign means a sign not attached to any building and supported by uprights or braces or some object on the ground. A pole sign is a ground sign. A billboard is not considered a ground sign under this article.

Illuminated sign means any sign which has characters, letters, figures, designs, or outlines illuminated by an electric light or luminous tubes as a part of the sign proper. An LED or digital sign is a type of illuminated sign.

Illuminated trim means luminous tubes outlining windows, doors, or portions of buildings not part of a sign.

LED sign or digital sign means a sign illuminated by light-emitting diodes.

Marquee sign means a sign on a marquee which is a rooflike structure, often meant to bear a signboard, projecting over an entrance, such as to a theater.

Nameplate means an accessory sign stating the name or street number of a person, firm, building or institution of a certain permitted use.

Nonaccessory sign, off-premises sign and *billboard* mean a sign which advertises goods, services, facilities, events or attractions not on the premises where located and does not pertain to the principal use of the premises.

Outdoor advertising sign means any card, cloth, paper, metal, glass, wood, plaster, stone or sign of other material or any kind, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure, or thing whatsoever. The term "placed" as used in this definition shall include erecting, construction, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or other fastening, affixing or making visible in any manner whatsoever. The following shall be excluded from this definition:

(1) Signs not exceeding one square foot in area and bearing only property numbers, postbox numbers, names of occupants or premises, or other identification of premises not having commercial connotations.

(2) Flags and insignia of any government except when displayed in connection with commercial promotion.

(3) Legal notices, identification, informational or directional signs erected or required by governmental bodies.

(4) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.

(5) Signs directing or guiding traffic and parking on private property, but bearing no advertising matter.

Political sign means a sign relating to the election of a person to public office or relating to a political party or relating to a matter to be voted upon at an election called by a public body.

Portable sign means any sign which is not permanently affixed to a building, structure or the ground or which is attached to a mobile vehicle. The following are also considered as portable signs:

(1) *Freestanding sign* means a sign other than a ground sign which is not attached to a building and is capable of being moved from one location to another on the site on which it is located. Sandwich boards are considered freestanding signs.

(2) *Inflatable sign* means a sign that is either expanded to its full dimension or supported by gases contained within the sign or sign parts at a pressure greater than atmospheric pressure.

Projecting sign means any sign which is attached to a building and extends beyond the line of the building or beyond the surface of that portion of the building to which it is attached more than 24 inches.

Real estate development sign means a sign placed on the premises of a subdivision or other real estate development to indicate a proposed start or to inform relative to availability.

Real estate sign means a sign placed upon a property advertising that particular property for sale, rent or lease.

Roof sign means a sign erected, constructed and maintained above the roof of any building.

Special event sign means a sign made of wood, plastic, cardboard or paper, which is used to advertise a special event such as Feast of the St. Clair, Pow-Wow, art fairs, garage sales, etc. See section 52-813 for restrictions on special event signs.

Subdivision sign means a sign which displays the name of the subdivision or multihousing development. A permanent subdivision sign is a decorative ground sign which is affixed on the premises as a landmark to indicate the name of the subdivision or housing complex. A temporary subdivision sign is a ground sign located on the premises during the construction, development, or leasing stages, displayed as a short-term sign for advertisement purposes.

Swinging sign means a sign installed on an arm, mast, spar or building overhang that is not rigidly attached to such arm, mast, spar or building overhang.

Temporary sign means a sign with or without letters and numerals, such as window signs in business and industrial districts, of lightweight cardboard, cloth, plastic or paper materials and intended to be displayed for special events, sales and notices. Temporary signs shall not be permanently fastened to any structure, including posts with permanent footings, and shall not be intended to have a useful life of more than 30 days. A permit is required for the erection of a temporary sign if the sign is in excess of 24 square feet in area and/or located outside of the building.

Wall sign means a sign which is affixed to an exterior wall of any building, when such sign shall project not more than 24 inches from the building wall or parts thereof. A picture or mural painted on the side of a building, with or without lettering, advertising a business or denoting the nature of the business on said premises, is also considered a wall sign for the purpose of this article.

(c) *Sign terms.* The following words, terms and phrases, when used in this article to describe signs, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Display surface means the surface made available by the structure, either for the direct mounting of letters and decoration or for the mounting of facing material intended to carry the entire advertising message.

Facing means the surface of the sign upon, against or through which the message of the sign is exhibited.

Letters and decorations means the letters, illustrations, symbols, figures, insignia and other devices employed to express and illustrate the message of the sign.

Location means a lot, premises, building, wall or any place whatsoever upon which a sign is erected, constructed and maintained.

Signs, number and surface area. For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in the computation of surface area.

For a pole sign or an off-premises sign (billboard), the entire surface area of the face of the sign shall be included in the computation of the size of the sign, regardless of the area of the advertising display.

Where a sign has two or more faces, the areas of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are three feet or less from one another, the area of the sign shall be taken at the area of one face if the two faces are of equal area or at the area of the larger face if the two faces are of unequal area. For a circle or sphere, the total area of the circle or sphere is divided by two for the purposes of determining the maximum permitted sign area.

Structural trim means the molding, battens, cappings, nailing strips, latticing and platforms which are attached to the sign structure.

Structure means the supports, uprights, bracings and framework of the sign or outdoor display.

Sec. 52-815 through 52-821.

No changes.

Sec. 52-822. Wall signs.

(a) Wall signs attached to exterior walls shall be safely and securely attached pursuant to local building code regulations. No wall sign shall be entirely supported by an unbraced parapet wall. Wall signs shall not exceed 200 square feet in surface area per building face unless otherwise stated.

(b) For signs on shopping or office centers, or cluster commercial buildings, one business wall sign not exceeding 100 square feet per storefront shall be permitted. The anchor store(s) may have one sign per storefront that shall not exceed 200 square feet in area.

Sec. 52-823 through 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 zoning board of appeals can rule on a height variation.

(7) If illuminated, conventional paper or vinyl printed 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. LED, light-emitting diode, or digital billboards are allowed per the following regulations:

a. LED or digital billboards shall only be allowed on Pine Grove Avenue, 10th Avenue, 10th Street, 24th Street, and I-94.

b. The face of an LED or digital billboard must be 150 feet from a residentially zoned property and cannot face a residential area.

c. To order to eliminate the distraction of drivers, an LED or digital billboard must be placed a minimum of 1 mile, 5,280 feet, from another LED or digital billboard.

d. The intensity of lights shall not interfere with traffic control devices nor shall they distract motorists or otherwise create a traffic hazard.

e. The frequency of message change shall not be more frequent than once every 5 seconds.

(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, including LED or digital billboards, in the city exceed 60, which is the number of existing signs as of January 1, 2007, on file with the planning department.

(9) The face of a billboard may be replaced. When replacing the face of 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.

(10) Off-premise signs or billboards are only allowed in the C-1, M-1, and M-2 zones.

Sec. 52-829. Signs allowed in residential districts.

No changes.

Sec. 52-830. Signs in C-1, CCD and MD districts.

The following signs are permitted in the C-1, CCD and MD districts:

(1) Any sign permitted in residential districts.

(2) Accessory signs pertaining to the business or service being conducted on the premises where the sign is located; however, all such signs must be attached to a building, except ground signs and portable signs. Signs shall not exceed 200 square feet in area unless stated otherwise. For signs on shopping or office centers, or cluster commercial buildings, one business wall sign not exceeding 100 square feet per storefront shall be permitted. The anchor store(s) may have one sign per storefront that shall not exceed 200 square feet in area. Portable and temporary signs have their own size requirements. The following accessory signs are permitted:

a. Wall signs pursuant to section 52-822.
b. Illuminated signs pursuant to section 52-824.
c. Marquee signs pursuant to section 52-826.
d. Projecting signs pursuant to section 52-825.
e. Ground signs pursuant to section 52-821.
f. Roof signs pursuant to section 52-827.
g. Awning signs pursuant to section 52-823.
h. Portable signs pursuant to section 52-819.
i. Temporary signs pursuant to section 52-820.

(3) Signs advertising real estate for sale, rent or lease when located on the building or land intended to be sold, rented or leased, provided they are used only during the construction of a building or the offering for sale, rent, or lease of real estate and provided such signs shall not exceed 32 square feet in area. Not more than one such sign per building or parcel of land shall be permitted on each street upon which the building or parcel of land fronts. No building permit shall be required for such sign. Real estate signs shall not be located in the public right-of-way.

(4) Standard non-accessory or off-premises signs (billboards) are permitted only in the C-1 zones**,** subject to the following requirements:

a. Sign surface area must not exceed 300 square feet.

b. No sign shall be located closer to any lot line than the required building setback for that location, but in no event shall any such sign be located closer that 150 feet to any residential district.

Sec. 52-831. Signs in B and CBD district.

Signs in the B and CBD district shall be permitted or prohibited as follows:

(1) Only signs accessory to a building and pertaining to the business located therein which are supported by a wall of a building and project less than two feet from the building's wall or less than three feet above the roofline are permitted. Such accessory signs shall not exceed 200 square feet in surface area.

(2) Signs advertising real estate for sale, rent or lease when located on the building or land intended to be sold, rented or leased, provided they are used only during the construction of a building or the offering for sale, rent or lease of real estate and provided such signs shall not exceed 32 square feet in area. Not more than one such sign per building or parcel of land shall be permitted on each street upon which the building or parcel of land fronts. No building permit shall be required for such signs. Signs shall not be located in the right-of-way.

(3) Ground signs are not permitted.

(4) New off-premise signs, non-accessory signs, or billboards are not allowed in the CBD. If any existing billboards in the CBD are damaged or removed, they cannot be replaced or repaired.

Sec. 52-832 through Sec. 52-833.

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

Zoning District	Type of Sign Allowed	Maximum Size of Sign	Number of Signs	Location of Sign
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.	
B or CBD central business district	Accessory	200 square feet	One per face of building	Signs attached to building. Pole ground signs not allowed
M-1 or M-2 industrial district	Accessory	100 square feet	One wall sign per face of building; one ground sign per street frontage	Wall signs. Ground signs at half the required front yard setback required in side yard
Off-premises (billboards)	300 square feet maximum, 50 feet high	Shall not exceed 64 total signs throughout city	Building setback required. Signs must be a minimum of 150 feet from any residential district	

Pauline M. Repp, MMC
City Clerk

ADOPTED: October 22, 2007
PUBLISHED: October 27, 2007
EFFECTIVE: October 27, 2007

Councilmember Sample-Wynn moved to amend Section 52-3 by changing paragraph (4) under the definition of a "probation facility" to read "maximum capacity of facility shall be 80 individuals."

Motion adopted unanimously.

Councilmember Sample-Wynn moved to amend Section 52-541(6) by reinserting the words "rehabilitation centers" following "extended care facilities."

Motion *rejected* by the following vote:

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

Councilmember Neal moved to amend Section 52-736 by removing the proposed paragraph (c) beginning with the words "the exterior façade of a nonconforming structure……."

Motion adopted unanimously.

Motion to give ordinance its third and final reading and enactment, as amended, adopted unanimously.

O-2. Councilmember McCulloch moved that an ordinance introduced October 8, 2007, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1281

AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION, ARTICLE IV, BOARDS AND COMMISSIONS, DIVISION 3, HOUSING COMMISSION, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF UPDATING THE ORDINANCE TO COMPLY WITH CHANGES IN MICHIGAN LAW AND TO CLARIFY THE RELATIONSHIP OF THE HOUSING COMMISSION WITH THE CITY GOVERNMENT AND THE GENERAL POWERS OF THE HOUSING COMMISSION.

THE CITY OF PORT HURON ORDAINS:

That Chapter 2, Administration, Article IV, Boards and Commissions, Division 3, Housing Commission, of the Code of Ordinances of the City of Port Huron, for the purpose of updating the ordinance to comply with changes in Michigan law and to clarify the relationship of the Housing Commission with the city government and the general powers of the Housing Commission, is hereby amended as follows:

CHAPTER 2. ADMINISTRATION
ARTICLE IV. BOARDS AND COMMISSIONS
DIVISION 3. HOUSING COMMISSION

Sec. 2-456. Continued.

The city council hereby declares that insanitary and unsafe inhabited dwelling accommodations exist in the city and that there is a shortage of safe and sanitary dwelling accommodations in the city available to persons, including veterans of the United States armed forces, who lack the amount of income necessary to enable them, without financial assistance, to live in decent, safe and sanitary dwellings without overcrowding; and that it is for and in the public interest that the housing commission, created pursuant to Public Act No. 18 of 1933, extra session, as amended (MCL 125.651 et seq.), be continued. Such commission is hereby continued in and for the city. (Code 1975, § 2-174; Code 1992, § 2-256)

Sec. 2-457. Composition; appointment and qualifications of members.

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. One member of the commission shall be a tenant of public or subsidized housing. (Code 1975, § 2-175; Code 1992, § 2-257)
State law references: Similar provisions, MCL 125.654.

Sec. 2-458. Terms and removal of members.

Members of the housing commission shall be appointed for staggered terms of five years. Members of the housing commission may be removed from office by the city council upon the recommendation of the city manager. (Code 1975, § 2-176; Code 1992, § 2-258) State law references: Similar provisions, MCL 125.654.

Sec. 2-459. Compensation of members.

Members of the housing commission shall serve without compensation, but they shall be entitled to their actual and necessary expenses incurred in the performance of their official duties. (Code 1975, § 2-177; Code 1992, § 2-259)

Sec. 2-460. General powers and duties.

The housing commission shall have all the powers and duties vested in such commissions by Public Act No. 18 of 1933, extra session, as amended (MCL 125.651 et seq.) and by any laws enacted which are or may be supplemental thereto, it being the intention of this section to vest in the housing commission all powers and duties permitted by law. The housing commission is empowered to act as a borrower for purposes of issuing bonds or notes under Public Act No. 18 of 1933, extra session, as heretofore or hereafter amended. (Code 1975, § 2-178; Code 1992, § 2-260)

Sec. 2-461. Employees.

The housing commission shall have the power to appoint and remove a public housing director who shall have such powers and duties as provided by Public Act No. 18 of 1933, extra session, as amended, and as given to such public housing director by the housing commission as it shall deem necessary for the proper exercise of its powers, functions and duties, and may authorize the appointment of such other employees as it shall deem necessary for the proper exercise of its powers, functions and duties. The housing commission shall fix the compensation of the public housing director and other employees of the housing commission as necessary. Such compensation shall be paid by the housing commission. (Code 1975, § 2-179; Code 1992, § 2-261)

Sec. 2-462. Public housing director.

(a) The public housing director shall be the chief administrative officer of the housing commission and shall supervise the administrative affairs of the housing commission and shall carry out the policies formulated by the housing commission.

(b) The housing director shall have the power to appoint and remove such other administrative officers and employees of the housing commission as may be deemed necessary for the proper exercise of its powers, functions and duties.

(c) The public housing director shall be responsible for all matters relating to the construction, management, maintenance, acquisition and operation of all physical real and personal properties of the housing commission, as well as of the city, held or owned by it in any capacity in connection with the purposes and objectives of this division and all laws to which this division may relate. The public housing director shall be responsible for any additional duties which are reasonably related to the purposes and objectives of this division and which may be required by the housing commission. The public housing director shall be under the direction of the housing commission and shall report and be directly responsible to them. (Code 1975, § 2-180; Code 1992, § 2-262)

Sec. 2-463. Deeds, mortgages, contracts, leases, purchases.

All deeds, mortgages, contracts, leases, purchases, or other agreements regarding real property, including agreements to acquire or dispose of real property, shall be approved and executed in the name of the housing commission.

Secs. 2-464 – 2-485. Reserved.

Pauline M. Repp, MMC
City Clerk

ADOPTED: October 22, 2007
PUBLISHED: October 27, 2007
EFFECTIVE: October 27, 2007

Adopted unanimously.

MOTIONS & MISCELLANEOUS BUSINESS

1. City Clerk Pauline Repp announced the new state law that requires acceptable photo id be presented prior to voting in person.

On motion (10:40 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, November 12, 2007, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

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

The meeting was called to order by Mayor Cutcher.

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

The minutes of the regular meeting of October 22, 2007, were approved.

FROM BOARDS & COMMISSIONS

1. Councilmember Sample-Wynn offered and moved to receive and file the following report:

We, the Canvass Board of St. Clair County, Michigan, did on Wednesday, November 7, 2007, meet in the County Clerk's Office, 201 McMorran Blvd., Port Huron, and did publicly canvass the results of the City of Port Huron Regular Election held on Tuesday, November 6, 2007. The results of the canvass of said election are as follows:

TOTAL VOTES CAST: 3,742

Brian J. Moeller	2,639
James M. Fisher	2,346
Al Wright	2,302
Alan Lewandowski	2,190
James A. Relken	2,176
Timothy McCulloch	1,945
Mark Anthony Byrne	1,572
Laurie Sample-Wynn	1,427
Alan D. Cutcher	1,384
B. Mark Neal	1,310
David Ball	1,153
Sally A. Jacobs	1,062
Write Ins:	
Ken Harris	318
Paul Schultz	12

Candidates Moeller, Fisher, Wright, Lewandowski, Relken, McCulloch and Byrne having received the highest number of votes cast are hereby declared elected to the Port Huron City Council.

ST. CLAIR COUNTY BOARD OF CANVASSERS: Yvonne Williams, William Emery, Loretta Johnson and Vickie Davis.

Adopted unanimously.

AT THIS POINT, remarks were made by Mayor Cutcher and Councilmembers Haynes, Jacobs, Neal and Sample-Wynn thanking the community for the opportunity to serve and their families for their support. Councilmembers Fisher and McCulloch thanked the outgoing members for their service.

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

A subsequent meeting was convened immediately by the City Clerk for the installation of the newly elected Councilmembers and conduct of regular business.

INSTALLATION OF NEW COUNCIL

AT THIS POINT, the Oath of Office was administered to the newly elected City Councilmembers by Pauline Repp, City Clerk.

ROLL CALL OF NEWLY ELECTED COUNCIL - Present: Councilmembers Byrne, Fisher, Lewandowski, McCulloch, Moeller, Relken and Wright.

Councilmember McCulloch nominated Councilmember Moeller for election to the Office of Mayor for the City of Port Huron. Nominations were closed and Councilmember Moeller was unanimously elected to the Office of Mayor.

AT THIS POINT, the Oath of Office was administered to the newly elected Mayor by the City Clerk and Mayor Moeller was seated as presiding officer.

Councilmember McCulloch nominated Councilmember Fisher for election to the Office of Mayor Pro-tem for the City of Port Huron. Nominations were closed and Councilmember Fisher was unanimously elected to the Office of Mayor Pro-tem.

AT THIS POINT, the Oath of Office was administered to the newly elected Mayor Pro-tem by the City Clerk.

AT THIS POINT, Rev. Portis, Shiloh Baptist Church, gave an invocation and Mayor Moeller asked that the veterans in the audience stand and be recognized on this Veteran's Day.

PRESENTATIONS

1. Proclamation designating the month of November as "National Hospice Month" was presented to representatives from Hospice of Michigan.

2. Proclamation designating November 10 – 18, 2007, as "Homeless Awareness Week" was read by the Mayor.

3. Presentation relative to the hiring of a full time DDA director, Community Development Financial Institution (CDFI) and Port Huron CDE, LLC being awarded New Markets Tax Credits and the. Karl Tomion, City Manager, introduced the subject matter and the community partners in the audience (Marsh Campbell, Randy Maiers, Doug Alexander and Scott Willmott). Doug Alexander, EDA Director, and Scott Willmott, President, Port Huron CDE, LLC, gave a PowerPoint presentation (see City Clerk File #07-125).

PUBLIC AUDIENCES

1. Anthony America, Port Huron, addressed the City Council with objections to prayer in city hall, extending the time for public audiences, annexing the business strip of Fort Gratiot and Port Huron Townships, and eliminating income tax. He also commented on local hospitals, replacement of police chief and city manager, bridge plaza project, and sewer separation project.

2. Ann Hudson, Port Huron, addressed the City Council stating she is a student in U of M – Flint's nursing program and working on a community health project program presently and wanted to know what the city is doing to promote good health.

3. Ken Harris, 1521 Wells Street, addressed the City Council stating they have a lot of decisions to make and he distributed a letter with suggestions. He also asked City Council to prepare and send a letter inviting the head of the Department of Homeland Security to visit Port Huron and asked that the Larry Manz high school hockey tournament to be held Thanksgiving weekend at McMorran be mentioned.

4. Paul Schultz, 1327 Beard Street, addressed the City Council congratulating them on their election and stating that he received 12 votes as a write-in.

5. Margaret Enright, Port Huron, addressed the City Council stating the she lives on an alley between 13th and 14th Streets and Water and Nelson Streets and that the snow is not plowed in the winter months. She also suggested that students put art in the windows of the empty storefronts downtown for a better appearance. (Mayor Moeller confirmed with her that this was Sherman Street she was referring to.)

6. Sharon Bender, South Boulevard, Port Huron, addressed the City Council stating that McMorran was a gift and Council needs to remember that and out of respect they need to take care of it and that incentives like those given Cobo Hall need to be sought out. She also talked about the Blue Water Bridge plaza project and that businesses lost should be given incentives to stay within the city limits and that Council needs to talk to influential people in Washington about the project.

7. Richard Nemitz, 3407 Riverside Drive, addressed the City Council stating that boaters on Black River will try to events downtown.

CONSENT AGENDA

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

Adopted unanimously.

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

Upcoming events:

- Nov. 22-23 - City offices will be closed for the Thanksgiving holiday.
- Nov. 23 - Santa Parade will be held downtown at 6 p.m.
- Nov. 23-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. 26 – Last week for yard waste in containers/bags to be picked up at the curb.
- Nov. 26 – Last week for pickup of large brush/branch piles. Call 987-6000 to schedule a pickup.
- Dec. 1 - Snow ordinance begins and continues through March 31. Parking is prohibited on City streets between the hours of 2:30 a.m. and 6 a.m.
- Dec. 31 - First Night Port Huron 2008 will be held.
- Visit www. ph150.org for details about Port Huron's Sesquicentennial celebration.

COMMUNICATIONS & PETITIONS

***C-1.** From Laurie Sample-Wynn, President, First Night® Port Huron, requesting all permit fees and fees for use of the Municipal Office Center's meeting room be waived for their 7th annual event on December 31, 2007.

Received and filed and request granted.

FROM THE CITY MANAGER

CM-1. Councilmember Fisher offered and moved the City Manager's report be received and filed:

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, 2007. (See City Clerk File # 07-126).

Adopted unanimously.

AT THIS POINT, John Livesay, City Attorney, gave a Power Point presentation relative to the following report on McMorran (see City Clerk File #07-127 for a copy).

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

At the September 24, 2007 regular meeting, City Council directed that the City Manager prepare a transition plan for the governance of McMorran consistent with the conclusions in the report of the City Council-appointed McMorran Study Committee. This report presented a history of McMorran and options that are available to City Council.

The Henry McMorran Auditorium Authority was created in 1956. The Port Huron City Council adopted the Articles of Incorporation on August 13, 1956 and filed then with the County Clerk on August 23, 1956, making the 23rd the effective date of existence of the Authority. Article IV, Section 9 of the Articles provided for the Authority to exist for a period of fifty years or an expiration date of August 23, 2006. Originally, the board or "Commission" consisted of three members none of which could be a city council member. Over the years Articles of Incorporation have been amended several times changing the number of Commission members to its current make-up of nine members.

At a special meeting of City Council on April 4, 2005, the expiration of the existence of the McMorran Authority was discussed and the appointment of a committee to review possible options was suggested by Mayor Cutcher. At the June 13, 2005, City Council meeting a committee of approximately 19 persons was appointed and they were asked to present a report to Council within six months.

At a special City Council meeting held February 13, 2006, the McMorran Study Committee gave an update of the progress of their committee and indicated it was their recommendation that Plante and Moran be hired to provide an independent, focused study report on:

- How other facilities in the Midwest that have faced the same situation handled the transition;
- The best way to govern the facility; and
- How to link governance and funding options for the complex to gain the greatest access to financing capabilities.

On May 8, 2006, at a special City Council meeting, the McMorran Study Committee presented their report and recommendations. The report also included a copy of a community survey report conducted by a marketing consultant in 2004 for McMorran Place. The Committee's report contained both short term and long term recommendations.

The City Council, on May 22, 2006, acted upon one of the short term recommendations and adopted an amendment to the Articles of Incorporation extending the term of the Authority to December 31, 2007. No other action has been taken on the recommendations of the Committee.

A discussion was held by City Council, at a November 20, 2006 special meeting, about McMorran and the need to address its future and whether to accept the Study Committee's recommendation as presented to City Council in May 2006. City Council adopted its goals for 2007 at a January 8, 2007, regular meeting and included the governance of McMorran. The future of McMorran and the fact that the term of the Authority expired at the end of the year was discussed again at the City Council budget session on May 22, 2007. At the June 11, 2007 City Council meeting an opinion letter from attorney Gary Fletcher was received which outlined the agreement with McMorran Authority, the current status of the McMorran complex, the city's financial obligations regarding the McMorran complex and options for the McMorran complex going forward.

During the community budget roundtables held in June of this year, a significant number of participants supported contracting out or privatizing McMorran stating that this was an important part of downtown Port Huron but appropriate that it be operated as a self-supporting enterprise. As stated in the Kezziah Watkins report presented following the roundtables, "Many people spoke specifically about the value of McMorran to residents county-wide, but also suggested that it would be more appropriate to end the City subsidy and instead privatize its management company or pass a county-wide tax to support its operation." McMorran ranked as one of the top three services to eliminate from the menu of City services while still rating it high as a valuable service to keep. In the report it was explained that this anomaly was because "many residents believe the City should no longer be responsible for McMorran but that people understand that it remains an important community asset to be privatized or otherwise converted into a self-sustaining enterprise.

The expiration date for the McMorran Authority is fast approaching. The issue before the city is how the McMorran complex is going to be governed. There are basically four options or action directions that City Council may take in respect to the governance of the McMorran facility. Each option has its own ramifications and consequences. The options are as follows:

1. <u>Extend McMorran Authority</u>

One option would be for the City Council to amend the Articles of Incorporation extending the life of the McMorran Authority for a specific term or for an indefinite term with no other changes. This would simply continue the Authority as things currently exist.

2. <u>Close McMorran</u>

Another option that has been discussed is to have McMorran simply cease operations, closing completely. If this were to be an option, it would be necessary to select a future date because of the advance bookings in all areas of the facility. There would otherwise be significant legal consequences from an abrupt closure because of the commitments that have been made into the future. Even if the facilities were to be completely closed, it is quite likely that the annual costs to the City could be as high or higher than the current subsidy. A facility of McMorran's magnitude and complexity can not stand vacant without careful maintenance planning. Electric, gas and water utility services would all need to be continued at some level in order that the facility could be maintained. Without some heat in each building, the potential for permanent damage would be great. The cost of insuring an empty building would also be significant. The availability of property damage insurance would be limited once the building was vacant and the cost could triple from current levels. We do not recommend this option. If it were the desire of Council to consider an outright closure, we recommend that such a process be carefully planned to minimize the costs and the potential damage to the buildings and equipment.

3. <u>City Operates McMorran</u>

If City Council takes no action prior to December 31, 2007 with respect to the Articles of Incorporation of McMorran Authority, the term of the Authority will expire and the Authority will cease to exist as an entity. Ownership of the McMorran complex would revert to the City upon the termination of the existence of the Authority. The City would also be charged at that time with managing the McMorran complex as we are with any other part of the operation of city government. If this were to happen, the ramifications and areas of concern include, but may certainly not be limited to:

a. The liquor license for the facility is in the name of the McMorran Authority. This would need to be transferred to the City and would require approval of the Michigan Liquor Control Commission and that will be time consuming.

b. There are numerous existing contracts with performers, individuals, groups, suppliers, etc., that are in the name of the McMorran Authority. They would need to be assigned or transferred to the City. As a general rule under Michigan law, unless specifically provided otherwise in the contract, a contract may be assigned. Without an assignment of contracts by the Authority to the City, legal issues may arise regarding the legal rights and obligations of both the City and the various contracting parties with respect to each other.

c. McMorran Authority received a state grant several years ago that is limited to long term capital type expenditures. There is approximately $240,000 unspent funds remaining from that grant. A question may arise as to whether those funds would have to be returned to the State if the McMorran Authority ceases to exist.

d. Personnel issues regarding McMorran employees may arise upon a transfer to "City" employment. It would involve the assumption of some additional unfunded retiree health care expense. There would also be additional areas of labor law, and benefits that would require review, analysis and decisions.

e. Unemployment insurance and workers' compensation issues may arise. McMorran self funds unemployment insurance benefits and we currently have coverage through MML.

f. The task of obtaining beer and liquor from suppliers may become much more complicated due to the requirement that the supplies will not be delivered without immediate payment by check or cash.

g. The City would be required to obtain our own liquor liability insurance.

h. Currently, McMorran is tax exempt in its own right and uses its own Federal Employer Identification number (EIN), which is separate from the City of Port Huron's tax exempt status and EIN. All McMorran vendors would need to be officially notified of the change and provided with the City's EIN and tax exempt information. The City's EIN would need to be used for all

transactions after the expiration of the Authority. Each taxing authority (Social Security, Federal and State withholding, sales tax, unemployment and others) will need to be notified of McMorran's termination and the successor entity.

i. The City would need to obtain licensing agreements with the various copyright protection agencies such as ASCAP, BMI and SESAC.

j. Contracts with performers, groups, wedding parties, etc., may become problematic for the efficient operation of the facility due to the contracting provisions of the City Charter requiring City Council approval of contracts. Questions will arise as to who has authority to sign contracts, what the policy would be and does it fall under the charter requirements.

k. McMorran Authority has commitments to numerous reoccurring events such as Silver Sticks, Edith Schoenrock Figure Skating Competition, high school hockey, the annual garage sale, etc., for which no contracts exist.

l. McMorran has a deficit of $205,794 as of June 30, 2007. McMorran's total assets exceed its total liabilities, primarily due to the value of the property and equipment which make up the McMorran Place. However, McMorran's current assets are less than its current liabilities by $205,794, which creates the deficit. Any time there is such a deficit, the State of Michigan requires that a deficit elimination plan be submitted to the State for review and approval. If the McMorran Authority was to expire and the assets and activities revert to the City of Port Huron, the City would inherit the deficit. Without an approved deficit elimination plan, the State of Michigan will not allow the City to borrow. This could negatively impact the continuing program to separate sewers. Further, if the State did not approve the deficit elimination plan, the deficit might have to actually be eliminated, requiring a transfer of $205,794. Similar action was required of the City during the 2006-07 fiscal year to eliminate the deficit in the Marina Fund.

m. There is always a danger that some agreement, contract, permit, etc., may be overlooked resulting in unforeseen complications.

It is unlikely that all these concerns can be resolved prior to December 31, 2007.

4. <u>Extend and Amend McMorran Authority</u>

The fourth option would be for the City Council to amend the Articles of Incorporation extending the life of the Authority while also amending the Articles of Incorporation to allow for a change in the governance of the facility. This may be done by amending Article V, Sections 1 and 11, to provide for appointment or election of members to the Authority by Council "who shall serve at the pleasure of the City Council" and to provide for removal of members of the Authority by Council "with or without cause" to effect the transition to another governance body for the Authority. This change will give the City Council the flexibility to be able to continue existing operations while still having the ability to provide future changes. The City Council could exercise this option and authorize the existing Authority or one with new members during this transition period.

This option could facilitate exploration of issues involving the regionalization of the McMorran facility, new governance structure or negotiation of an operating agreement with a private vendor.

Any of these options require decisions by the City Council prior to December 31, 2007.

You have received the attached communication from the McMorran Authority requesting a joint meeting. At this meeting you could discuss the following:

1. The options outlined in this report.

2. The City Council and the Authority Board's respective views on privatization and/or regionalization of McMorran.

3. The current Authority's willingness to serve as interim Board.

IT IS THEREFORE RECOMMENDED that the City Council:

1. Direct the City Manager to prepare amended Articles of Incorporation to provide for temporary and interim governance by McMorran Authority for your consideration at your November 26, 2007 meeting.

2. Schedule a special City Council Meeting with the McMorran Authority.

3. Direct the City Manager to prepare a Request for Proposal process to seek privatized management of McMorran Place for review and approval of the City Council prior to implementation.

4. Defer permanently changing the governance of McMorran until City Council has decided how it will be managed. If we are successful in retaining private, professional management, we believe that they may provide you with valuable insight on future governance and financing.

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 to pay the attached payments. (See City Clerk File #07-01)

Adopted unanimously.

***R-2.** 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 $2,046.00 for sidewalk replacement upon the lots and premises described in the attached special assessment report (see City Clerk File #07-128).

Adopted.

***R-3.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup in the right-of-way; and

WHEREAS, the cost for trash pickup in the right-of-way shall be assessed to the property owner(s) pursuant to City ordinances, Sections 38-11, 40-19, and 42-17; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot special assessments in the total amount of $1,034.96 for special trash pickup in the right-of-way upon the lots and premises described in the attached special assessment report (see City Clerk File #07-129).

Adopted.

***R-4.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for removal of noxious weeds or unlawful growths or blighting factors; and

WHEREAS, the costs for removing noxious weeds or unlawful growths or blighting factors shall be assessed to the property owners pursuant to Chapter 22, Sections 22-83 and 22-108, City of Port Huron Code of Ordinances; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot assessments in the total amount of $1,791.86 upon the lots and premises described in the attached special assessment report for the cost of removing noxious weeds or unlawful growths or blighting factors. (See City Clerk File #07-130)

Adopted.

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

WHEREAS, the City of Port Huron owns certain real property that is suitable for location of a cellular telephone communications antennae; and

WHEREAS, a lease between the City of Port Huron and Sprint PCS for the placement of a cellular telephone communications tower on city property on Holland Avenue has been previously entered into; and

WHEREAS, the lease with Sprint PCS has been assigned to Horvath Communications Towers, Inc. (Horvath) and subsequently assigned to SBA Towers, Inc. (SBA); and

WHEREAS, SBA has negotiated with another cellular provider to co-locate an antennae on the Holland Avenue tower; and

WHEREAS, the lease authorizing the location of the cell tower on the city property reserves the right to the City to lease the ground space for any co-locating cell providers; and

WHEREAS, an amendment to the original lease has been negotiated which provides for a revenue sharing between the City and SBA for any future subleased antennae sites collocated on the Holland Avenue tower and which would simplify the collocation of additional antennas on the site;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached amendment to the original lease with Sprint PCS at the North End Service Center providing revenue sharing between the City and SBA Towers, Inc., the owner of the tower, for any future co-located cellular telephone communications antennae at the North End Service Center site and authorizes the appropriate City Officials to execute said agreement. (See City Clerk File #07-131).

Adopted unanimously.

6-10. Councilmember Fisher offered and moved that the following resolutions be postponed until the regular meeting of November 26, 2007, (in the meantime, Council to review requirements and call City Manager's office and express their interest, if any, in serving on these various boards/commissions) :

R-6. WHEREAS, the Economic Opportunity Committee (EOC), under federal law is required to have board members that represent a mix of public and private; and

WHEREAS, a member of City Council does sit on the board of the Economic Opportunity Committee (EOC);

NOW, THEREFORE, BE IT RESOLVED that Councilmember ____ is hereby appointed to be the City Council's representative on the Economic Opportunity Committee.

R-7. WHEREAS, the Blue Water Area Transportation Commission is composed of two (2) local units of government, to-wit: City of Port Huron and Charter Township of Fort Gratiot, and said Commission has been operating a transit system within the Blue Water Area since 1976; and

WHEREAS, the current Interlocal Agreement entered into between the Blue Water Area Transportation Commission and the City of Port Huron and the Charter Township of Fort Gratiot was adopted in 1983 by the Port Huron City Council; and

WHEREAS, Section 4(a)(1) states that the "Commission shall be composed of one (1) member (Commissioner), from each of the Participating Units of Government comprising the Commission. One (1) member and one (1) alternate member shall be appointed by each Participating Unit. A member's or alternate's place of residence or place of work shall be within the unit he/she represents. The membership of the Commission shall be increased or decreased upon the joinder or termination of Individual Participating Units in accordance with other provisions of this Agreement."; and

WHEREAS, Section 4(a)(3) states that the "terms of service for Commissioners shall be for three (3) year terms, subject to reappointment;" and

WHEREAS, on February 25, 2002 City Council adopted a resolution which states that "it is the desire of the Port Huron City Council to have one of their elected members to be the City's representative" and that their term would be for three years "or until the end of their Council term, whichever occurs first;" and

WHEREAS, due to the November 6, 2007 election there exists a vacancy for the alternate member;

NOW, THEREFORE, BE IT RESOLVED that Councilmember ____ is hereby appointed as the alternate member Commissioner on the Blue Water Area Transportation Commission for a three year term to expire November 12, 2010, or until the end of their Council term, whichever occurs first.

R-8. WHEREAS, Southeast Michigan Council of Governments (SEMCOG) is a regional planning partnership of governmental units serving 4.8 million people in the seven-county region of Southeast Michigan; and

WHEREAS, the City of Port Huron is a participating member of SEMCOG; and

WHEREAS, SEMCOG requests that a member of the City Council be designated as a delegate and one as an alternate;

NOW, THEREFORE, BE IT RESOLVED that Councilmember _____ be the designated delegate and Councilmember _____ the designated alternate to SEMCOG.

R-9. WHEREAS, a member of City Council is a designated representative for the City of Port Huron on the Economic Development Alliance (EDA) Board;

NOW, THEREFORE, BE IT RESOLVED that _____ is hereby appointed as the Council's representative on the EDA Board.

R-10. WHEREAS, it is stated in the Ordinance Code of the City of Port Huron, Chapter 2, Article IV, Division 2, Sections 2-432 and 2-433:

"Sec. 2-432. Composition, appointment of members. The Planning Commission shall consist of nine members, one of whom shall be a member of and selected by the City Council, eight of whom shall be appointed by the mayor subject to council approval, one of these being the city manager or his designee. Each member of the planning commission shall represent, insofar as is possible, different professions or occupations."

"Sec. 2-433. Terms and removal of members. The term of the City Councilmember's membership on the Planning Commission shall correspond to his official tenure. The term of each other member of the Planning Commission shall be three years or until his successor takes office."

NOW, THEREFORE, BE IT RESOLVED that Councilmember _____ be appointed as the Council's designated representative on the City Planning Commission.

Motion to *postpone* Resolutions 6 through 10 until the regular meeting of November 26, 2007 adopted unanimously.

***R-11.** WHEREAS, it is anticipated that there will be no need to hold the second regular 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, 2007; 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, 2007, will not be held.

Adopted.

MOTIONS & MISCELLANEOUS BUSINESS

1. Councilmember Byrne moved to schedule a special City Council meeting for Monday, November 19, 2007, at 6:00 p.m. in Conference Room 408 for the purpose of Council getting to know one another and working on goal setting.

Motion adopted unanimously.

2. Councilmember Relken presented two resolutions for consideration at the next regular meeting of November 26, 2007, which were read by the City Clerk, one being a resolution to "amend the budget allocation for council members meeting pay to no pay for the mayors meeting time ($30.00 per meeting) and no pay for council members ($20.00 per meeting) and that the dollars saved be allocated to the fund balance transfers being used to support the increase in water and sewer rates" and the other "that the City Manager completes within the next 60 days a series of meetings with employees (administrative staff of the City of Port Huron and other non-union work assignments) to determine salary and benefits reductions employees are willing to take to show good faith in cost reductions with the current city budget……Additionally, the City Manager shall submit a written report to the Port Huron City Council detailing the voluntary reductions."

3. Mayor Moeller requested that a copy of the line item budget, division and department head's contracts and an organizational chart of each department head's area be provided by the close of business on Thursday to himself and any other members of City Council who wanted it. Karl Tomion, City Manager, stated he would provide to all of them.

4. Individual Councilmembers thanked their families for their support and the voters who put them into office.

On motion (9:55 p.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, November 19, 2007, at 6:00 p.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order at 6:05 p.m. by Mayor Moeller.

Present: Mayor Moeller; Councilmembers Byrne, Fisher, Lewandowski, McCulloch, Relken and Wright.

Mayor Moeller announced that this meeting was being held so that the new Councilmembers could get to know one another and share each of their goals. He suggested that he start and then each Councilmember follow with their own goals.

Mayor Moeller shared his goals, as follows:

1. Terra Land – His feeling was that the city residents had spoken and that they want to see this development. His goal was that city administration should come up with a plan, proposal and contract with Terra Land and have it done by the second meeting of March, 2008. Other Councilmembers expressed they would be interested in this also and would like to look at their proposal and any alternate proposals. Karl Tomion, City Manager, stated that he would write a letter and urge Terra Land representatives to come to a Council meeting (they had originally said they would be prepared in January) and will look for copies of old proposal, site plan and proposed contract and provide it to Councilmembers. It was decided there was no need to put this on the next agenda as a directive as it was agreed that it would be followed up on.

2. Rescind water/sewer rate increases for 2008-09 and beyond. He asked that a resolution be placed on the November 26, 2007 agenda to approve this action. Discussion was held on whether it would affect the City's bond rating and the City Manager stated that he would check with the City's financial advisors. Councilmember Wright added that while he was campaigning people mentioned they would rather pay monthly than quarterly. City Manager stated he will prepare a report on the monthly billing issue.

3. Bring back animal control officer and eliminate parking enforcement officer (Mayor thanked City Manager for line item budget). He stated it comes to $24,596 when taking into account wages, benefits, auto, etc. He stated that because Council has not used much of their training budget that a total of $10,800 can be transferred and $15,000 for auto site or in-car cameras can be transferred from the Police Department budget to cover the cost of bringing back the animal control officer. Mayor stated that any police officer can write a ticket but did not want an officer dedicated to parking enforcement any longer. It was decided that another meeting should be held on the subject of parking, perhaps in February.

4. Asked that a resolution directing a letter be prepared to send from Council to Attorney General to enforce State Constitution that forces Sheriff's office and operations be back in the City of Port Huron, citing the loss of income to the City.

Mayor Pro-tem Fisher shared his goals -

1. He stated main issue is the drain of residents - losing our population base (income tax, property tax) - need to grow the city. He believes Terra Land addresses this.

2. McMorran - thinks we need to work on that and somehow reduce the subsidy. Should make break even or money making - even privatize.

3. Would like to see some way for us to reduce the number of ordinances we have in the city. Makes it difficult to have fun in our community - softball, boat night, cruise night. We overprotect and remove fun.

4. Concerned about industry moving out stating he heard that Huron Mfg. is moving their operation to Lexington. Need way to make us the preferred community.

5. Elimination of various ordinances. Karl Tomion asked whether he had any specific ordinances for repeal and there was not at this time.

AT THIS POINT, Karl Tomion stated that he had intended to bring a resolution amending the Articles of Incorporation for McMorran to the next Council meeting extending the Authority for one more year. He plans to develop a process for McMorran and bring it back to City Council stating that he met earlier today with a firm that runs Grand Rapids and Saginaw and there is interest. He asked that Council pick a night for a meeting with the McMorran Authority Board, either tonight or his office could call and check everyone's schedules. It was decided that a meeting should be held before the resolution is before them so the resolution is to be postponed until the December 10, 2007 meeting. The date of November 26 at 6:30 p.m., prior to the regular meeting, will be looked into as a possible date and time for the meeting or will check for possible other dates prior to December 10.

Councilmember Wright shared his goals –

1. He stated that he is on the same page and feels the key is development of downtown area citing Terra Land.

2. He stated he believes a hotel water park downtown would be good and that he contacted Great Wolf Lodge today and at first seemed they were not interested and then talked about assets of area and it seemed like interest perked. They requested being informed of any available sites in the City and also would like to know the population centers within one hour and also three hours, major roads, map of city, map of state and of Ontario, like to know bridge traffic per day and per year. Asked that this information be gathered to send to them. He stated that with the gas prices today Port Huron is sitting on a gold mine as we are only 45 minutes from Detroit and people would come here instead of going to Traverse City.

3. Go to each business here and talk to them and see how we can help them. By listening we can get ideas of what works.

4. Agree with Jim Fisher that we have become an unfriendly city for outsiders and each other. He stated that at first he wanted to blame police but they are just doing their jobs and that we need to listen to community about what needs to be done. Stated his distaste for parking meters and that they send a negative feeling. Believes they have to check into elimination of ordinances as far as open intoxicants in marina areas and for special events. He stated other communities do this with a volunteer security force and that it can be reasonably done. Karl Tomion stated any ordinance can be rescinded in two meetings. Mr. Tomion will prepare a report on the parking system for December 10 meeting (Councilmember Byrne asked that administrative and insurance costs be included). Councilmember Wright stated that the meters should be covered for the time being but that they probably could be used in some places; i.e., boat launches, etc. Stickers for parking could be sold at party stores.

Councilmember Lewandowski stated his goals -

1. He stated that a lot had already been talked about - Terra Land, parking meters, McMorran.

2. He cited $12,000 to put in electronic inserts in parking meters and $10,000 to replace booth at Lakeside Beach as expenses City didn't need to incur.

3. Would like to see bidding practices changed to 5% differential for city bidders. Mayor Moeller agreed and stated there is an ordinance in Wayne County where preferences can be given to local bidders - 5% for city and 2% for County and that Governor Granholm gave an opinion on this when she was Attorney General.

4. He would like a letter sent to Senator Harry Reid for support for casino.

5. Combination of city services - combining streets and forestry.

Councilmember Relken shared his goals –

1. He distributed copies of his ten goals (see City Clerk File #07-132 for complete copy).

- Rebuilding public trust
- Budget considerations
- Marketing plan and message
- Bridge plaza project
- Collaborative plans
- Downtown revitalization
- Acheson Ventures
- Working with non-profits
- Take the lead in engaging a new generation of business and community leaders
- Establish a national model for community volunteer involvement.

2. He stated Council could have their meetings at other sites.

3. He stated that he will vote "no" on any police or fire department cuts.

4. He stated that City Council needs to establish a goal on what we are - clear marketing message.

Councilmember McCulloch stated his goals -

1. Bridge plaza - need to take a very active role and put pressure on them.

2. Some of the others have already been mentioned. Terra Land - think it would be nice to get a proposal.

3. Sounds like a lot of discussions regarding the budget - think we should sit down in next month and look at the budget so that we can see inner workings rather than individual changes. Budget binders have a lot of good information but can also put you to sleep.

AT THIS POINT, conversation held on animal control officer and whether by eliminating we set ourselves up for possible lawsuits. Karl Tomion stated we do not have liability unless something brought to our attention and we did not act. Mayor Moeller stated that dog license income can come to us and that he thinks that the animal control officer is good public relations.

Councilmember Byrne stated his goals –

1. He agreed with most of the ideas particularly moving ahead with Terra and McMorran and agreed on parking issue.

2. He would like to see department managers at upcoming city council meetings say what they do, their benefit and how costs have been reduced, perhaps 15 minutes.

3. Like to cut ordinance book in one-half - not very friendly. Big fan of freedom. Alcohol at marinas, parks, etc.

4. Boat night needs more than one beer tent. City needs to be more fun, inviting and friendly.

5. Population is declining every year and need to stop this. Not moving here because of cost. Need to address root cause. City income tax is a killer and need to work at phasing it out.

Other issues discussed:

Councilmember McCulloch asked that action could be taken on resolutions that are related to a public hearing so that the affected people do not have to wait until the end of the meeting to find out conclusion. Mayor Moeller stated that he would like to limit the time for presentations to 15 to 20 minutes. A resolution will be prepared to address these items in the Rules of Procedure.

Mayor Moeller asked whether Council wanted to continue with the current policy on obtaining ministers for the invocation prior to the meetings (a letter is sent to the ministerial associations at the beginning of each year asking for volunteers). It was decided that it remain the same.

Mayor Moeller asked for volunteers to attend DARE graduations as he can only attend one of the four. Councilmember Lewandowski will attend December 11 (6:00 p.m.) at St. Mary's and December 12 (6:00 p.m.) at Roosevelt School; Mayor Moeller will attend December 13 (6:00 p.m.)at Garfield; and Councilmember Fisher will attend December 20 (1:00 p.m.) at Woodrow Wilson.- Police Dept contacted re DARE graduations - only one of four I can attend. Can someone else make it? December 11, St. Mary's 6 p.m.,(Lewandowski) December 12, 6 p.m., Roosevelt (Lewandowski), December 13 6 p.m. Garfield (Moeller), December 20, 1 p.m., Woodrow Wilson (Fisher).

Mayor Moeller stated he had only been contacted by one Councilmember about committee appointments. The following volunteered to served: SEMCOG – Councilmember Relken representative and Mayor Moeller alternate; Councilmember McCulloch representative on EOC; Councilmember Lewandowski representative on EDA; Councilmember Wright representative on Planning Commission; and Councilmember Byrne alternate for BWATC. Resolutions to be on Monday's agenda as consent items.

Mayor Moeller thanked Chief Corbett for assistance at first Council meeting and thanked City management for documents requested.

Karl Tomion, City Manager asked whether new members wanted an orientation. Suggested he bring in each department head and key staff and explain their responsibilities and provide Council with update on issues coming up and then, if interested, could set up time to tour facilities. He will check availability of Council after holidays for a couple of nights. He stated that if

interested they could ride along with police and that can be scheduled individually.

Karl Tomion brought to City Council's attention the upcoming deadline on comments for draft environmental impact statement on Blue Water Bridge Plaza project stating that Council will need to act on this at their next Council meeting. Following a question by Councilmember Fisher, Mr. Tomion stated that these comments have been coordinated with other entities.

Councilmember Relken asked if City Manager had an update on cable television and could we lose televised Council meetings as well as programming for schools, churches, etc. Karl Tomion stated that the City has received notice that some of our drops to some of our facilities have been eliminated and that he has heard that the televising of meetings may cease but that he has not received official word. Councilmember McCulloch asked whether we could using streaming on the website for the Council meetings should we lose Comcast. Karl Tomion stated that they are aware that the quality of reception is poor and the equipment that has been provided to us has not been of a broadcast quality. Councilmember Fisher asked whether City could partner with SCCCC or high schools.

Mayor Moeller mentioned that Councilmembers need to submit information for business cards.

Councilmember Relken mentioned that Robert's Rules of Order should be followed at meetings – need for decorum.

Mayor Moeller verbally stated that he was turning in his conflict of interest report and that he was reporting that R. J. Moeller is one of his brothers and so is Gerald W. Moeller, but that he has no interest in their businesses and that his nephew Scott Moeller works with Gary Fletcher and that his wife Diane is a branch manager for Citizens First.

PUBLIC AUDIENCES

1. David Ellingwood, Port Huron, stated that parking meters are a hazard for the visually impaired.

2. Richard Frazier, Bancroft Street, talked about parking at McMorran.

3. Margaret Enright, stated that tomorrow someone should cover the meters for Christmas and also that grants are needed to start businesses and that City should get a large dollar store downtown. (Chief Eick stated at this time that he had not received a request from MainStreet this year to cover the meters.)

4. Mike Bodeis, stated he does business in Port Huron and is excited about new City Council and that they need to think outside the box and need something to bring homeowners to this town.

5. Susan Tabor stated she is new to Port Huron from Detroit and in last six months has witnessed a lot and believes there is a need to market to metro Detroit area and that Port Huron is a gem.

On motion, Council adjourned at 8:00 p.m.

PAULINE M. REPP, MMC
City Clerk

(Page intentionally left blank)

Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, November 26, 2007, at 6:30 p.m. in the Conference Room 408, Municipal Office Center.

The meeting was called to order at 6:05 p.m. by Mayor Moeller.

Present: Mayor Moeller; Councilmembers Byrne (arrived at 6:35 p.m.), Fisher, Lewandowski, McCulloch, Relken (arrived at 6:40 p.m.) and Wright.

The meeting was held with members of the McMorran Authority to discuss the future of McMorran. Members of the Authority that were present were: Juanita Gittings, Vice-Chair; Audrey Pack; John Hill; Jim Shaw; Donna Schwartz; and student volunteer Sam Lusk. Also present was Larry Krabach, General Manager, and Lynn Hines.

Larry Krabach distributed information relative to McMorran (see City Clerk File #07-133 for a copy).

Discussion was held on where McMorran has been and some of the reasons for the deficit; its value in the community; continuation of the Authority; fundraising efforts to date; and privatization/sale. Councilmembers were encouraged to tour the facilities.

Authority members expressed that they would do whatever was best for McMorran and the community and that they were willing to continue to serve or, if the City Council decides to replace them, they offered to be available for consultation.

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

PAULINE M. REPP, MMC
City Clerk

(Page intentionally left blank)

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, November 26, 2007, 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, (a moment of silence was observed for recently deceased former police officer Roger Price) followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Moeller.

Present: Mayor Moeller; Councilmembers Byrne, Fisher, Lewandowski, McCulloch, Relken and Wright.

The minutes of the regular meeting of November 12, 2007, and the special meeting of November 19, 2007, were approved.

PUBLIC AUDIENCES

1. Dale Jurk, Port Huron, addressed the City Council relative to his idea about the water/sewer rates suggesting that the City use the fall and winter water/sewer rates as the base and then take the spring and summer rates as the variable and only charge what water was used over and above the base rate and not the sewer charge as people use more water during this period for watering lawns, washing cars and houses, etc., and shouldn't have to pay sewer charges for that use. He further stated that he would like to sit down with Council and City and investigate his idea and tell him the reason why his idea wouldn't work.

2. Harry Brown, 2631 Krafft Rd., Apt. 211, addressed the City Council congratulating them on their election and telling them they have a chance to do what the citizens want done and rescind the water/sewer rates. He suggested that instead the property taxes be repealed and in their place charge a sales tax.

3. Ken Harris, 1521 Wells Street, addressed the City Council stating that instead of Council reducing their pay they ought to just reduce their budget amount, doesn't want to see debate stifled and wondered if Resolution 15 would do that and stated his support of Resolutions 13 and 14.

4. Mike Bodeis, Fort Gratiot, addressed the City Council congratulating them on their election and stating that he hoped that the time limitation on public audiences did not prevent them from answering questions and he stated he feels that they need to show citizens that they will cut more from the budget and he believes restructuring the fire department is an obvious way by using on-call members. He stated that he was against Resolution 4 and, if anything, Council needs a raise. He supports Resolution 5 if it includes union workers as well. He said the attitude of "its always been done that way" needs to be eliminated.

5. Mary Pochodylo, 1423 Francis Street, addressed the City Council talking about the importance of the DARE program in the schools and cited that the schools in the township get this program through the sheriff's department and that the schools in the city should have this service also. She stated that she knows Council is looking at priorities but that they need to look at reinstating this program in City schools.

6. Trina Avedisian, Port Huron, addressed the City Council citing the good things are McMorran and how it was built as a community center but that the building is getting older and needs repairs and grants should be pursued. She stated that she figures it only costs each property owner about 15 cents per day and she encouraged Councilmembers to meet with Larry Krabach and take a tour of the facility.

7. Richard Nemitz, 3407 Riverside Drive, addressed the City Council stating that he has set up a website about various boating events in Black River to help with the marina efforts and that he has met with representative from Community Foundation about working together on a floating pontoon boat with music and that Port Huron needs better boating events and he was done waiting for the City to do it but that he may need some help.

CONSENT AGENDA

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

Adopted unanimously.

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

Upcoming events:

- Week of Nov. 26 - Last week for large brush/branch pickup. Call 987-6000 to schedule a pickup.
- 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.
- Week of Dec. 3 - Weather permitting, a final pass through of the City for the leaf vacuuming program will occur.
- Dec. 31 – First Night Port Huron 2008 will be held.
- Through Dec. 31 - Free parking in the Majestic and East 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.
- 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.
- Sesquicentennial books and DVDs are available for purchase at the City Clerk's Office, MainStreet, Museum, Blue Water Convention & Visitor's Bureau, Chamber of Commerce and various other locations. Visit www. ph150.org for details about Port Huron's Sesquicentennial celebration.

COMMUNICATIONS & PETITIONS

***C-1.** Letter from Acheson Ventures, LLC, requesting that the vendor permit fees for the 2008 Farmer's Market at Vantage Point be waived.

Received and filed and request granted.

FROM THE CITY MANAGER

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

On October 15, 2007, the City of Port Huron received the results of the State of Michigan MIDEAL Purchasing Program bids for four (4) 2008 Crown Victoria Police Patrol Cars for the Police Department:

Gorno Ford, Inc.	$20,399.00 each

It is recommended that the bid of Gorno Ford, Inc., 22025 Allen Road, Woodhaven, Michigan 48183, in the amount of Eighty-One Thousand Five Hundred Ninety-Six and 00/100 Dollars ($81,596.00) be accepted, in accordance with the State of Michigan MIDEAL Purchasing Program, and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

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

CM-2. Councilmember Fisher 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 2007-2008 fiscal year be amended by adjusting the means of financing and adjusting the estimated requirements for the General Fund in order to reinstate the Animal Control Officer:

	As currently Adopted	Per Proposed Amendment	Increase (Decrease)
GENERAL FUND:			
Means of financing:			
Property taxes	$ 8,560,000	$ 8,560,000	$
Income tax	6,325,000	6,325,000	
Business licenses and permits	306,645	306,645	
Nonbusiness licenses and permits	435,000	435,000	
Grants			
State shared revenues	3,838,000	3,838,000	
Charges for services	640,000	640,000	
Fines and forfeits	200,000	200,000	
Investment income	525,000	525,000	
Rents	240,000	240,000	
Other revenue			
Sale of assets	3,000	3,000	
Charges to other funds	1,888,621	1,888,621	
Transfers from other funds	275,000	275,000	
	$ 23,236,266	$ 23,236,266	$ 0
Estimated requirements:			
General government	$ 3,978,430	$ 3,967,630	$ (10,800)
Public safety	13,031,524	13,042,324	10,800
Public works	1,779,569	1,779,569	
Senior citizens	21,688	21,688	
Recreation, parks and culture	2,789,730	2,789,730	
Other functions	645,479	645,479	
Public improvements	257,000	257,000	
Transfer to other funds	732,846	732,846	
	$ 23,236,266	$ 23,236,266	$ 0

Councilmember McCulloch moved to amend by eliminating the $40,000 allocated for the animal control position thereby making the “net reduction available for other costs” $56,800 instead of $16,800.

Motion to amend rejected by the following vote:

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

Motion to adopt City Manager Recommendation No. 2 as prepared adopted by the following vote:

Yes: Mayor Moeller Councilmembers Byrne, Fisher, Lewandowski, Relken and Wright.
No: Councilmember McCulloch.
Absent: None.

RESOLUTIONS

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

WHEREAS, the Blue Water Bridge crossing between the U.S. and Canada is a vital link which enhances the economic prosperity of both countries; and

WHEREAS, existing traffic delays at the primary inspection booths coming into the U.S. are at unacceptable levels and considering security improvements at the plaza is a reasonable objective; and

WHEREAS, the Michigan Department of Transportation (MDOT) and the Federal Highway Administration (FHWA) have published a Draft Environmental Impact Statement (DEIS) for the Blue Water Bridge Plaza Study which is dated August 10, 2007, with public comment being accepted from August 10 through December 10, 2007; and

WHEREAS, the DEIS must comply with relevant sections of the National Environmental Policy Act (NEPA) and its implementing regulations, as well as several other state and federal environmental laws; and

WHEREAS, since 2002, MDOT, FHWA, U.S. Customs and Border Protection (CBP) and U.S. General Services Administration (GSA) have studied various bridge plaza improvement options along with potential improvements to the I-69/I-94 corridor, including the bridge over the Black River; and

WHEREAS, all three of the practical alternatives studied in detail in the DEIS (including the preferred alternative) would inflict massive negative impacts on the City of Port Huron, surrounding townships, as well as St. Clair County;

NOW, THEREFORE, BE IT RESOLVED that:

1. The DEIS fails to meet the requirements of NEPA and its implementing regulations. The DEIS is deficient because it fails to provide full public disclosure of impacts, does not adequately justify the project's costs/negative impacts, does not evaluate a reasonable range of alternatives, and does not provide adequate mitigation for the massive negative impacts which are anticipated. Details regarding these shortcomings are provided in our official comment letter which is attached to this resolution (see City Clerk File #07-134).

2. Improvements to the I-69/I-94 corridor (including repairs to the Black River Bridge) should be evaluated in separate environmental document as previously planned by MDOT. It is not acceptable to delay improvements to this corridor while issues related to the bridge plaza are studied and debated.

3. The proposed 65-acre size of the plaza facility is not justified based on the information presented in the DEIS. Another alternative with reduced size needs to be evaluated in detail and compared to the three practical alternatives presented in the DEIS.

4. We are unequivocally opposed to advancement of the Preferred Alternative until all of our comments regarding its justification, other reasonable alternatives, and mitigation measures are fully addressed to our satisfaction.

5. A supplemental DEIS is needed to address the shortcomings of the present DEIS and to assure that there is full disclosure/adequate opportunity for public comment at this stage in the process. It is not acceptable for our concerns to be addressed only in the Final Environmental Impact Statement.

Adopted unanimously.

NOTE: Changes to letter suggested by Councilmember Relken were incorporated into letter.

AT THIS POINT, Councilmember Fisher moved to send the official comment letter on the DEIS to our state and federal legislators and ask them to intervene on the City's behalf and additionally to send the letter to the legislators and governor of the state of New York.

Motion adopted unanimously.

R-2. Councilmember Fisher 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 starting November 21, 2007 and ending November 20, 2008 at a cost of $2,399.00;

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 the appropriate City officials to execute the necessary documents (see City Clerk File #07-135).

Adopted unanimously.

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

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

WHEREAS, the current contract with Pro-Tel, Inc. expires December 31, 2007, and they have quoted $11,000/year to renew;

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

Adopted unanimously.

R-4. The following resolution was submitted by Councilmember Relken and died for lack of a motion:

WHEREAS, the City of Port Huron is faced with significant budget reduction needs to manage its long term debt obligations for sewer separation and other city critical public services; and

WHEREAS, Port Huron City Council members receive meeting compensation for their regular and special council meetings as outlined in the city charter section 12; and

WHEREAS, the city council budget to allocate these funds is approved by the council each year; and

WHEREAS, this council should set an example by amending the current budget (2007-2008) to allocate no additional dollars for councilmember's meeting expense;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby adopts this resolution to amend the budget allocation for council members meeting pay to no pay for the mayor's meeting time ($30.00 per meeting) and no pay for council members ($20.00 per meeting) and that the dollars saved be allocated to the fund balance transfers being used to support the increase in water and sewer rates.

R-5. The following resolution was submitted by Councilmember Relken and died for lack of a second:

WHEREAS, the City of Port Huron is faced with significant budget reduction needs to manage its long term debt obligations for sewer separation and other critical public services; and

WHEREAS, the Port Huron City Council in a co-operative teamwork fashion needs to work closely with the administration on cost cutting measures that will provide additional savings to support the City to support the city's major financial obligations; and

WHEREAS, additional salary and benefits cuts need to be made to the administrative staff of the City of Port Huron and other non-union work assignments; and

WHEREAS, the additional cuts are required to show our taxpayers that every management and administrative assignment for cost reduction has been addressed;

NOW, THEREFORE, BE IT RESOLVED that the City Manager completes within the next 60 days a series of meetings with those employees described above to determine salary and benefits reductions employees are willing to take to show good faith in cost reductions with the current city budget. Additionally, the City Manager shall submit a written report to the Port Huron City Council detailing the voluntary reductions.

***R-6.** WHEREAS, the Economic Opportunity Committee (EOC), under federal law is required to have board members that represent a mix of public and private; and

WHEREAS, a member of City Council does sit on the board of the Economic Opportunity Committee (EOC);

NOW, THEREFORE, BE IT RESOLVED that Councilmember McCulloch is hereby appointed to be the City Council's representative on the Economic Opportunity Committee.

Adopted.

***R-7.** WHEREAS, the Blue Water Area Transportation Commission is composed of two (2) local units of government, to-wit: City of Port Huron and Charter Township of Fort Gratiot, and said Commission has been operating a transit system within the Blue Water Area since 1976; and

WHEREAS, the current Interlocal Agreement entered into between the Blue Water Area Transportation Commission and the City of Port Huron and the Charter Township of Fort Gratiot was adopted in 1983 by the Port Huron City Council; and

WHEREAS, Section 4(a)(1) states that the "Commission shall be composed of one (1) member (Commissioner), from each of the Participating Units of Government comprising the Commission. One (1) member and one (1) alternate member shall be appointed by each Participating Unit. A member's or alternate's place of residence or place of work shall be within the unit he/she represents. The membership of the Commission shall be increased or decreased upon the joinder or termination of Individual Participating Units in accordance with other provisions of this Agreement."; and

WHEREAS, Section 4(a)(3) states that the "terms of service for Commissioners shall be for three (3) year terms, subject to reappointment;" and

WHEREAS, on February 25, 2002 City Council adopted a resolution which states that "it is the desire of the Port Huron City Council to have one of their elected members to be the City's representative" and that their term would be for three years "or until the end of their Council term, whichever occurs first;" and

WHEREAS, due to the November 6, 2007 election there exists a vacancy for the alternate member;

NOW, THEREFORE, BE IT RESOLVED that Councilmember Byrne is hereby appointed as the alternate member Commissioner on the Blue Water Area Transportation Commission for a three year term to expire November 12, 2010 or until the end of their Council term, whichever occurs first.

Adopted.

***R-8**. WHEREAS, Southeast Michigan Council of Governments (SEMCOG) is a regional planning partnership of governmental units serving 4.8 million people in the seven-county region of Southeast Michigan; and

WHEREAS, the City of Port Huron is a participating member of SEMCOG; and

WHEREAS, SEMCOG requests that a member of the City Council be designated as a delegate and one as an alternate;

NOW, THEREFORE, BE IT RESOLVED that Councilmember Relken be the designated delegate and Mayor Moeller the designated alternate to SEMCOG.

Adopted.

***R-9.** WHEREAS, a member of City Council is a designated representative for the City of Port Huron on the Economic Development Alliance (EDA) Board;

NOW, THEREFORE, BE IT RESOLVED that Councilmember Lewandowski is hereby appointed as the Council's representative on the EDA Board.

Adopted.

***R-10.** WHEREAS, it is stated in the Ordinance Code of the City of Port Huron, Chapter 2, Article IV, Division 2, Sections 2-432 and 2-433:

"Sec. 2-432. Composition, appointment of members. The Planning Commission shall consist of nine members, one of whom shall be a member of and selected by the City Council, eight of whom shall be appointed by the mayor subject to council approval, one of these being the city manager or his designee. Each member of the planning commission shall represent, insofar as is possible, different professions or occupations."

"Sec. 2-433. Terms and removal of members. The term of the City Councilmember's membership on the Planning Commission shall correspond to his official tenure. The term of each other member of the Planning Commission shall be three years or until his successor takes office."

NOW, THEREFORE, BE IT RESOLVED that Councilmember Wright be appointed as the Council's designated representative on the City Planning Commission.

Adopted.

***R-11.** WHEREAS, IAC Port Huron, LLC, 1905 Beard 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 December 10, 2007, in order to hear comments on the application of IAC Port Huron, LLC, 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-12. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron Water Filtration Plant is a regional facility which produces and distributes treated drinking water for the residents of the City and four adjacent townships; and

WHEREAS, the Michigan Department of Environmental Quality (MDEQ), Water Bureau, regulates the production and distribution of drinking water in the State of Michigan; and

WHEREAS, the MDEQ requires that the City of Port Huron obtain an operating permit as a community public water supplier and has assessed a fee to the permit holder based on population served;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the payment of $8,532.58 to the Michigan Department of Environmental Quality for the community public water supply annual fee.

Adopted unanimously.

R-13. Councilmember Lewandowski offered and moved the adoption of the following resolution:

WHEREAS, on September 24, 2007 the City Council adopted Resolution No. 1 which implemented a multi-year financial plan to address the funding of the combined sewer overflow project; and

WHEREAS, as part of that plan the water and sewer rates were adjusted "effective with all billing on or after September 30, 2007, and as of each June 30 thereafter through June 30, 2011;" and

WHEREAS, it is the desire of the current City Council that the water and sewer rate increases that were adopted on September 24, 2007 and effective June 30, 2008 through June 30, 2011be rescinded;

NOW, THEREFORE, BE IT RESOLVED that the commodity charges and readiness to serve rate increases for water and sewer service that were to become effective as of June 30, 2008 and each June 30 thereafter through June 30, 2011 are hereby rescinded.

Motion adopted by the following vote:

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

R-14. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron is the county seat for the County of St. Clair; and

WHEREAS, the County of St. Clair has constructed a new jail outside the city limits of the City of Port Huron; and

WHEREAS, the St. Clair County Sheriff has moved all offices of the Sheriff's Department to the new jail and no longer holds his principal office in the City of Port Huron; and

WHEREAS, Article VII, Section 5 of the Michigan Constitution of 1963 provides the sheriff and some other county offices "shall hold their principal office at the county seat"; and

WHEREAS, the City of Port Huron City Council believes it is important that this constitutional provision be enforced;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby directs City administration to prepare a letter to be sent to Michigan Attorney General Michael Cox requesting the Attorney General's Office take action to enforce the constitutional provision requiring the Sheriff to hold his principal office at the county seat and authorizes the Mayor to sign said letter on behalf of City Council.

Councilmember Fisher moved to postpone action on this resolution until the first meeting in January so that a meeting with the County can occur in the interim.

Motion to postpone adopted by the following vote:

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

R-15. Councilmember Relken offered and moved that the following resolution be postponed until December 10, 2007:

WHEREAS, it has been proposed to be in the best interest of City government that the order of business at any regular meeting of the City Council be amended to include presentations with a time limit and to include under Public Hearings the consideration of applicable resolutions at the same time; and

WHEREAS, in order to effectuate these changes it is necessary to amend Rule No. 4 of the Rules of Procedure of the City Council;

WHEREAS, an amendment to the Rules of Procedure for City Council requires that such amendments be by resolution and adopted the meeting following the introduction of such resolution;

NOW, THEREFORE, BE IT RESOLVED that Rule No. 4 of the Rules of Procedure for City Council be amended at the meeting of December 10, 2007, as set forth below:

RULE 4.

The Order of Business at any regular meeting of the Council shall be as follows:

1. Invocation.
2. Pledge of Allegiance.
3. Roll Call of members present.
4. Reading of minutes of last preceding meeting, and question of approval, provided that, on motion of any member that the minutes be considered read, the presiding officer may declare the minutes read, and, unless an objection be made, the chair may declare the minutes approved. Otherwise, the Clerk shall proceed to read the minutes, and the question of approval shall be put, and the vote recorded thereon. Any corrections made to the minutes shall be approved by a majority of the Council.
5. *Presentations. Presentations shall be limited to 20 minutes unless prior approval is given by the City Council.*

~~5~~*6*. Public Hearings. *Resolutions applicable to a public hearing shall be considered immediately following its public hearing.*

~~6~~*7*. Audiences.

~~7~~*8*. Consent agenda. Agenda items considered routine will be marked with an asterisk (*) and will be considered under "motion to adopt consent agenda items, as indicated." Examples include communications, setting public hearings, board appointments, third and final reading of ordinances that have been previously approved in principle, traffic control orders, etc. If any Councilmember requests an item to be removed from the consent agenda, the item will be removed and considered in its normal sequence on the agenda.

~~8~~*9*. Petitions and communications.

~~9~~*10*. Reports from City Manager, and other City officers, committees, boards or commissions.

~~10~~*11*. Resolutions.

~~11~~*12*. Ordinances.

~~12~~*13*. Miscellaneous business.

The City Manager shall prepare an agenda for each regular meeting of the Council, and furnish the same to the Mayor, and the Councilmembers, not later than the Saturday before such meeting. Additional matters may be acted upon at any regular meeting by consent of a majority of the Council. The Agenda for any special meeting shall be included in the Call for such meeting, but other matters may be acted upon by unanimous consent of all members of the Council.

The Agenda for any adjourned meeting shall consist of unfinished business of the regular meeting, including also matters set for special consideration, and such new matter as may be presented thereat by consent of a majority of the Council.

Motion to postpone adopted unanimously.

16-17. Councilmember Fisher offered and moved the adoption of the following resolutions:

R-16. WHEREAS, the City Council of the City of Port Huron, County of St. Clair, State of Michigan (the "City"), pursuant to Resolution #7 adopted on October 22, 2007 (the "Original Resolution"), authorized the issuance and sale of general obligation limited tax refunding bonds in the aggregate principal amount of not to exceed $7,500,000 (the "Bonds") for the purpose of refunding a portion of the City's outstanding General Obligation Limited Tax Bonds, Series 2002, dated as of June 1, 2002 (the "Prior Bonds") and thereby obtaining debt service savings; and

WHEREAS, the City has determined, based on the advice of its financial advisor, that the City may realize additional net present value savings as a result of the issuance of the Bonds and the refunding of the Prior Bonds if the City designates the Bonds as "qualified tax exempt obligations" for purposes of deduction of interest expense by financial institutions pursuant to the Internal Revenue Code of 1986, as amended; and

WHEREAS, this City Council desires to supplement the Original Resolution to authorize an Authorized Officer (as defined in the Original Resolution) to make such designation for and on behalf of the City and to provide for certain other matters relating to the issuance and sale of the Bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. All capitalized terms used herein and defined in the Original Resolution shall have the meanings set forth in the Original Resolution.

2. Section 9 of the Original Resolution is hereby supplemented and amended to read in its entirety as follows:

> 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, 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.
>
> The Bonds may be issued in one or more series, as determined by an Authorized Officer. In addition, any Authorized Officer may, upon advice of the City's financial advisor and bond counsel, combine the issuance and sale of the Bonds with any series of limited tax general obligation bonds authorized to be issued pursuant to Resolution #13 adopted by the City Council on February 26, 2007, as amended; provided, however, that the portion of the principal amount of the combined bond issue consisting of the Bonds shall not exceed the maximum aggregate principal amount authorized by this resolution. In the event that the Bonds and any limited tax general obligation bonds are combined to form a single issue as provided in this paragraph, the Authorized Officers are authorized to make appropriate changes to the designation of the Bonds and to the form of Bond set forth in Section 6 hereof as necessary to reflect the dual purpose of such combined bond issue.

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; 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, 2032, and the Bonds shall not be issued in an aggregate principal amount greater than the amount authorized by this resolution.

3. Section 13 of the Original Resolution is hereby supplemented and amended to read in its entirety as follows:

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 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 the rebate of arbitrage earnings, if applicable, and the expenditure and investment of Bond proceeds and moneys deemed to be Bond proceeds.

Each Authorized Officer is hereby authorized to designate any series of the Bonds as "qualified tax exempt obligations" for purposes of deduction of interest expense by financial institutions pursuant to the Code, if and only if it is determined by an Authorized Officer at the time of sale of such Bonds that the City does not reasonably anticipate issuing tax-exempt obligations in the calendar year in which such Bonds are to be issued in an aggregate principal amount in excess of $10,000,000.

4. The Original Resolution, as amended hereby, is hereby ratified and confirmed.

R-17. WHEREAS, the City Council of the City of Port Huron, County of St. Clair, State of Michigan (the "City"), pursuant to Resolution #13 adopted on February 26, 2007, as amended by Resolution #8 adopted on October 22, 2007 (as amended, the "Prior Resolution"), authorized the issuance and sale of one or more series of limited tax general obligation bonds in the aggregate principal amount of not to exceed $9,040,000 for the purposes described in the Prior Resolution; and

WHEREAS, Section 2 of the Prior Resolution authorizes the issuance and sale of one or more series of limited tax general obligation bonds on the open market (the "Open Market Bonds") by means of a competitive public sale; and

WHEREAS, the City has determined, based on the advice of the City's financial advisor, that a negotiated sale of the Open Market Bonds will provide the City with greater flexibility in structuring bond maturities, will allow for flexibility in the timing and marketing of the Open Market Bonds, and is expected to result in a lower interest cost to the City; and

WHEREAS, it is necessary to supplement the Prior Resolution in order to provide for the negotiated sale of the Open Market Bonds and to provide for certain other matters with respect to the issuance and sale thereof.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. All capitalized terms used herein and defined in the Prior Resolution shall have the meanings set forth in the Prior Resolution.

2. The Prior Resolution is hereby amended by substituting the defined term "Open Market Bonds" for each reference in the Prior Resolution to the defined term "Series 2007 Public Sale Bonds."

3. Section 2 of the Prior Resolution is hereby supplemented and amended to read in its entirety as follows:

Bonds of the City designated **GENERAL OBLIGATION LIMITED TAX BONDS** (the "Open Market 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 2007 SRF Bonds and Series 2007 MMBA Bonds (hereinafter defined) issued and to be issued hereunder, as finally determined by an Authorized Officer upon sale thereof, 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 Open Market Bonds. The Open Market 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") of an Authorized Officer. Each Authorized Officer is authorized and directed to approve a series designation with respect to each series of the Open Market Bonds and to make appropriate changes to the designation hereinbefore set forth.

The Open Market Bonds shall be issued in fully-registered form of the denomination of $5,000, or multiples thereof not exceeding for each maturity the maximum principal amount of that maturity, numbered consecutively in order of registration, and shall be dated as of the date of delivery, or such other date as may be determined by an Authorized Officer in the Order.

The Open Market Bonds shall mature on October 1 in the years and in the principal amounts and shall be payable at the times and in the manner as determined at the time of sale and as confirmed by an Authorized Officer in the Order; provided, however, that each series of Open Market Bonds shall mature not later than thirty (30) years from the date of issuance. The Open Market 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 to exceed five and one-half percent (5.50%) per annum, payable on April 1 and October 1 of each year, commencing on the date set forth in the Order. The foregoing principal and interest payment dates may be adjusted by an Authorized Officer pursuant to the Order.

The Open Market Bonds may be issued as serial bonds or term bonds or both and 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 Section 9 hereof. 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 Open Market 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 each series of the Open Market Bonds. The City reserves the right to replace the Transfer Agent at any time upon written notice to the registered owners of record of the applicable series of Open Market Bonds not less than sixty (60) days prior to an interest payment date.

The Open Market 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 Open Market Bonds are in the book-entry-only form, the Transfer Agent shall comply with the terms of the Letter of Representations between the City 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. 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 Open Market 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 Open Market Bonds.

4. Section 10 of the Prior Resolution is hereby supplemented and amended to read in its entirety as follows:

The City has considered the option of selling the Open Market Bonds through a competitive sale and a negotiated sale and, pursuant to the requirements of Act 34, Public Acts of Michigan, 2001, as amended, and based on the advice of the City's financial advisor, determines that a negotiated sale of the Open Market Bonds will provide the City with greater flexibility in structuring bond maturities, will allow for flexibility in the timing and marketing of the Open Market Bonds, and is expected to result in a lower interest cost to the City.

The City hereby appoints Robert W. Baird & Co. Incorporated as senior managing underwriter for the Open Market 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 Open Market Bonds to the Underwriter pursuant to the Order and a Bond Purchase Agreement, 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.

The Open Market Bonds may be issued in one or more series, as determined by an Authorized Officer. In addition, any Authorized Officer may, upon advice of the City's financial advisor and bond counsel, combine the issuance and sale of any series of the Open Market Bonds with any series of refunding bonds authorized to be issued pursuant to Resolution #7 adopted by the City Council on October 22, 2007, as amended; provided, however, that the portion of the principal amount of the combined bond issue consisting of Open Market Bonds shall not exceed the maximum aggregate principal amount authorized by this Resolution. In the event that the Open Market Bonds and the refunding bonds are combined to form a single issue as provided in this paragraph, the Authorized Officers are authorized to make appropriate changes to the designation of the Open Market Bonds and to the form of Open Market Bond set forth in Section 9 hereof as necessary to reflect the dual purpose of such combined bond issue.

Each Authorized Officer is hereby authorized to designate any series of Open Market Bonds as "qualified tax exempt obligations" for purposes of deduction of interest expense by financial institutions pursuant to the Internal Revenue Code of 1986, as amended, if and only if it is determined by an Authorized Officer at the time of sale of such Open Market Bonds that the City does not reasonably anticipate issuing tax-exempt obligations in the calendar year in which such Open Market Bonds are to be issued in an aggregate principal amount in excess of $10,000,000.

5. Section 16 of the Prior Resolution is hereby supplemented and amended to read in its entirety as follows:

The Authorized Officers are hereby authorized to adjust the final bond details set forth herein to the extent necessary or convenient to complete the transactions authorized herein, and in pursuance of the foregoing are 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 five and one-half percent (5.50%), and the Bonds shall mature not later than thirty (30) years from the date of issuance.

6. The Prior Resolution, as supplemented and amended hereby, is hereby ratified and confirmed.

Motion to adopt Resolutions 16 and 17 adopted unanimously.

On motion (10:03 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, December 10, 2007, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

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

The meeting was called to order by Mayor Moeller.

Present: Mayor Moeller; Councilmembers Byrne, Fisher, Lewandowski, McCulloch, Relken and Wright.

The minutes of the regular and special meetings of November 26, 2007, were approved.

PRESENTATIONS

1. Robert Clegg, City Engineer, gave a brief presentation on the new channel assigned by Comcast for the City Council meetings.

PUBLIC HEARINGS

1. The Mayor announced that this was the time to hear comments on the application of IAC Port Huron, LLC, 1905 Beard Street, for an Industrial Facilities Exemption Certificate.

Doug Alexander, Executive Director, EDA, 725 Erie Street, and Kirk Fisher, Tax Manager, and Don Barr, Plant Manager, from IAC Port Huron, LLC, appeared to be heard.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Scott McBean, Port Huron, addressed City Council about miscellaneous items.

2. Larry Boulier, addressed City Council encouraging city officials to contact Comcast officials and tell them that a point of local origination for public access programming must remain within the city of Port Huron (see City Clerk File #07-136 for a copy of his comments).

3. Duane Loxton, Vice President, POAM, along with John Steuwer, President, POAM, addressed City Council in support of retaining a DARE and Community Services officer (see City Clerk File #07-137 for a copy of his comments).

4. Kathlene Vettese, 2303 River Drive, addressed the City Council commenting on the ordinance prohibiting cars on the grass in city parks and that it needs to kept in place. She cited the problems they have as neighbors of the Riverside boat launch and suggested that more parking be provided in Pine Grove Park rather than eliminate this law.

5. Judge Cynthia Platzer, addressed the City Council asking them to reconsider eliminating the DARE officer and citing the importance of the DARE program.

6. Mary Pochodylo, 1423 Francis Street, addressed the City Council requesting that the DARE program be reinstated in Port Huron schools.

7. Joan Morrison, 810 St. Paul, Marysville, owner of property in Port Huron, addressed the City Council in opposition to allowing portable fire pits in Port Huron due to health and environmental concerns as well as the potential fire hazard.

8. Phil Whetstone, Colonial Woods Missionary Church, 3240 Pine Grove Avenue, addressed the City Council supporting Larry Boulier's earlier comments and strongly encouraging the City Council to pursue putting pressure on Comcast to provide a point of local origination in Port Huron for public access programming.

9. Khalil "Casey" Chaudry, 1802 Martin Street, addressed the City Council reading a quote from Justice Hugo Black, Supreme Court, about religion arguing against invocations prior to the meetings because it is a violation of his rights and that he has not heard back from Mayor Moeller yet about his request to give his own invocation (see City Clerk File #07-138 for a copy of handout). NOTE: Mayor Moeller replied that he would be getting back to Mr. Chaudry after he has completed his research on the matter.

10. Anna Chaudry, 1802 Martin Street, addressed the City Council about a blight notice she received on a loose board on their front porch and how she looked at the City's mission statement and wonders how blight enforcement serves the city and that it should be eliminated and stop harassing people.

11. Mike Wendling, St. Clair County Prosecutor, addressed the City Council stating that public safety is a top priority and that the Port Huron Police Department rates high and City Council should be proud of that and the DARE officer and Community Services officer should be reinstated.

12. Alice O'Neil, Prospect Place, addressed the City Council stating that drug dealing in Pine Grove Park is at an all time high and feels influence of old Tyler school now being used as a shelter for those with substance abuse problems contributes to this.

13. Pastor Michael Eaton, 1431 10th Avenue, addressed the City Council in opposition to the suggestion that alcohol be allowed in the City parks and that he has a 5 month old and they live next to a park and he wants his child to be able to play in the park without the influence of alcohol and the accompanying trash.

14, Tom Morrison, 810 St. Paul, Marysville, addressed the City Council in opposition to the suggestion that alcohol be allowed in the City parks stating that we have a pristine atmosphere and do not need to allow alcohol.

15. Maynard Little, 826 Howard Street, addressed the City Council stating that if they allow alcohol in the parks it is more money for him.

16. Rich Nemietz, Riverside Drive, addressed the City Council stating that the St. Clair offshore boat racing event was successful because they allowed consumption of alcohol in a contained area.

CONSENT AGENDA

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

Adopted unanimously.

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

Upcoming events:

- Dec. 31 – First Night Port Huron 2008 will be held.
- Through Dec. 31 - Free parking in the Majestic and East 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.

- 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.
- Sesquicentennial books and DVDs are available for purchase at the City Clerk's Office, MainStreet, Museum, Blue Water Convention & Visitor's Bureau, Chamber of Commerce and various other locations. Visit www. ph150.org for details about Port Huron's Sesquicentennial celebration.

FROM THE CITY MANAGER

***CM-1.** It is stated in the City Ordinance Code, Chapter 2, Administration, Article III, Division 3, Section 2-457 and 2-458, concerning the Port Huron Housing Commission:

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

NOW, THEREFORE, I hereby re-appoint Earl Shoulders to the Port Huron Housing Commission for a five-year term to expire December 19, 2012.

Received and filed.

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

In accordance with the requirements of Section 63 of the City Charter, the City's Comprehensive Annual Financial Report for the year ended June 30, 2007, is transmitted herewith (City Clerk File #07-139).

Adopted unanimously.

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

On October 25, 2007, the City of Port Huron Utilities Division received two (2) quotes for the purchase of a Flow Search II water meter data recording system for the Utilities Division:

S.L.C. Meter Service, Inc. (Davisburg, MI)	$7,664.00
Meter Master (Burlington, NJ)	$8,370.00

It is recommended that the low quote of S. L. C. Meter Service, Inc., 10375 Dixie Highway, Davisburg, Michigan 48350, in the amount of Seven Thousand Six Hundred Sixty-Four and 00/100 Dollars ($7,664.00) 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 26, 2007, the City of Port Huron received three (3) bids for a two year contract for cryptosporidium analysis as required by the Environmental Protection Agency (EPA) and Michigan Department of Environmental Quality (MDEQ) for monitoring compliance for the Water Treatment Plant:

Scientific Methods, Inc. (Indiana)	$10,450.00
Underwriters Laboratories, Inc.(Indiana)	$10,750.00
Analytical Services, Inc. (Vermont)	$13,124.00

These are unit price bids based on estimated average annual sampling requirements. These quantities cannot be precisely determined in advance.

It is recommended that the bid of Scientific Methods, Inc., 12441 Beckley Street, Granger, IN 46530, in the amount of Ten Thousand Four Hundred Fifty and 00/100 Dollars ($10,450.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

It is further recommended per EPA regulations that, in the event Scientific Methods, Inc. has transportation difficulties or loss of certification, Underwriters Laboratories, Inc. be designated as the City's official backup facility.

Adopted unanimously.

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

On November 26, 2007, the City of Port Huron received five (5) bids for a 39,000 lbs. gross vehicle weight truck cab, chassis, dump box and spreader to be used as a salter and snow plow for the Streets Division:

Wolverine Truck Sales, Inc. (Dearborn, MI)	$ 99,236.00
Diesel Truck Sales, Inc. (Saginaw, MI)	$ 99,784.00
Motor City Ford (Livonia, MI)	$ 99,970.00
Tri County International Trucks, Inc. (Dearborn, MI)	$113,908.00
Wink Chevrolet (Dearborn, MI)	*

* Does not meet spec.

It is recommended that the bid of Wolverine Truck Sales, Inc. 3550 Wyoming Avenue, Dearborn, Michigan, 48120, in the amount of Ninety-Nine Thousand Two Hundred Thirty-Six and 00/100 Dollars ($99,236.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

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

RESOLUTIONS

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

BE IT RESOLVED that the Finance Director is hereby authorized to pay the attached payments. (See City Clerk File #07-01)

Adopted unanimously.

***R-2.** WHEREAS, IAC Port Huron, LLC, 1905 Beard 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, the Port Huron City Council held a public hearing on December 10, 2007, 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 IAC Port Huron, LLC, application for an Industrial Facilities Exemption Certificate for twelve (12) years on real property and six (6) years on personal property and hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the application to the State Tax Commission; and

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

All real property: 12/31/08 to 12/31/20 (12 years)
All personal property: 12/31/08 to 12/31/14 (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 IAC Port Huron, LLC, is located.

Adopted.

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

WHEREAS, it has been proposed to be in the best interest of City government that the order of business at any regular meeting of the City Council be amended to include presentations with a time limit and to include under Public Hearings the consideration of applicable resolutions at the same time; and

WHEREAS, in order to effectuate these changes it is necessary to amend Rule No. 4 of the Rules of Procedure of the City Council;

WHEREAS, an amendment to the Rules of Procedure for City Council requires that such amendments be by resolution and adopted the meeting following the introduction of such resolution;

NOW, THEREFORE, BE IT RESOLVED that Rule No. 4 of the Rules of Procedure for City Council be amended at the meeting of December 10, 2007, as set forth below:

RULE 4.

The Order of Business at any regular meeting of the Council shall be as follows:

1. Invocation.

2. Pledge of Allegiance.

3. Roll Call of members present.

4. Reading of minutes of last preceding meeting, and question of approval, provided that, on motion of any member that the minutes be considered read, the presiding officer may declare the minutes read, and, unless an objection be made, the chair may declare the minutes approved. Otherwise, the Clerk shall proceed to read the minutes, and the question of approval shall be put, and the vote recorded thereon. Any corrections made to the minutes shall be approved by a majority of the Council.

5. *Presentations. Presentations shall be limited to 20 minutes unless prior approval is given by the City Council.*

~~5~~ *6*. Public Hearings. *Resolutions applicable to a public hearing shall be considered immediately following its public hearing.*

~~6~~ *7*. Audiences.

~~7~~ *8*. Consent agenda. Agenda items considered routine will be marked with an asterisk (*) and will be considered under "motion to adopt consent agenda items, as indicated." Examples include communications, setting public hearings, board appointments, third and final reading of ordinances that have been previously approved in principle, traffic control orders, etc. If any Councilmember requests an item to be removed from the consent agenda, the item will be removed and considered in its normal sequence on the agenda.

~~8~~ *9*. Petitions and communications.

~~9~~ *10*. Reports from City Manager, and other City officers, committees, boards or commissions.

~~10~~ *11*. Resolutions.

~~11~~ *12*. Ordinances.

~~12~~ *13*. Miscellaneous business.

The City Manager shall prepare an agenda for each regular meeting of the Council, and furnish the same to the Mayor, and the Councilmembers, not later than the Saturday before such meeting. Additional matters may be acted upon at any regular meeting by consent of a majority of the Council. The Agenda for any special meeting shall be included in the Call for such meeting, but other matters may be acted upon by unanimous consent of all members of the Council.

The Agenda for any adjourned meeting shall consist of unfinished business of the regular meeting, including also matters set for special consideration, and such new matter as may be presented thereat by consent of a majority of the Council.

Councilmember McCulloch moved to amend by adding a sentence to "No. 5 Presentations" at the end that reads: *The time limit does not apply if the subject matter pertains to something that needs City Council approval.*

Amendment adopted by the following vote:

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

Motion, as amended, adopted by the following vote:

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

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

WHEREAS, the term of the Henry McMorran Memorial Auditorium Authority expires December 31, 2007; and

WHEREAS, the City Council wishes to investigate the possible reorganization of McMorran's operations; and

WHEREAS, the City Council desires to extend the term of the Henry McMorran Memorial Auditorium Authority through December 31, 2008, to provide for members of the Henry McMorran Memorial Auditorium Authority board to serve at the pleasure of the City Council and to allow for the removal, with or without cause, of members of the Henry McMorran Memorial Auditorium Authority board by an affirmative majority vote of the City Council to assist in the facilitation of a reorganization of McMorran; and

WHEREAS, it is necessary to amend the Articles of Incorporation of the Authority pursuant to Act No. 31 of the Public Acts of 1948 (1st Ex. Sess.), as amended, in order to accomplish these objectives; and

WHEREAS, there has been prepared a Certificate of Amendment to the Articles of Incorporation of the Henry McMorran Memorial Auditorium Authority for the purpose of extending the term of the Authority through December 31, 2008, to provide for members of the Henry McMorran Memorial Auditorium Authority board to serve at the pleasure of the and to allow for the removal, with or without cause, of members of the Henry McMorran Memorial Auditorium Authority board by an affirmative majority vote of the City Council;

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:

1. Article IV, Section 9, of the Articles of Incorporation, is amended to read as follows: The term of the authority shall end at 11:59 p.m. E.S.T. December 31, 2008.

2. Article V, Section 1, of the Articles of Incorporation, is amended to read as follows: The authority shall be directed and governed by a board of nine commissioners known as the Commission, each to be elected by and who shall serve at the pleasure of the City Council of the City of Port Huron, no member of which may be a member of the authority commission.

3. Article V, Section 11, of the Articles of Incorporation, is amended to read as follows: A commissioner may be removed from office with or without cause by an affirmative majority vote of the City Council.

4. The remaining provisions of the Articles of Incorporation, as amended, shall remain in full force and effect.

5. This amendment to the Articles of Incorporation shall be conclusively presumed unless questioned in a Court of competent jurisdiction within sixty (60) days after filing of certified copies of this amendment with the Clerk of the St. Clair County and the Secretary of State of the State of Michigan.

NOW, THEREFORE, 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 #07-140)

Adopted unanimously.

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

WHEREAS, the cost for trash pickup in the right-of-way shall be assessed to the property owner(s) pursuant to City ordinances, Sections 38-11, 40-19, and 42-17; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot special assessments in the total amount of $826.34 for special trash pickup in the right-of-way upon the lots and premises described in the attached special assessment report (see City Clerk File #07-141).

Adopted.

***R-6.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for sidewalk replacement; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of $7,076.00 for sidewalk replacement upon the lots and premises described in the attached special assessment report (see City Clerk File #07-142).

Adopted.

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

WHEREAS the Water Reclamation Facility operates under a National Pollutant Discharge Elimination System (NPDES) Discharge Permit required by the United States Environmental Protection Agency (EPA) and approved by the Michigan Department of Environmental Quality (MDEQ); and

WHEREAS, facilities operating under a NPDES permit are required to pay MDEQ an annual permit fee based upon a discharge authorized by the facility's permit; and

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the payment of $13,000.00 to the Michigan Department of Environmental Quality for the annual NPDES Discharge Permit fee.

Adopted unanimously.

***R-8.** WHEREAS, the United States Department of Housing and Urban Development (HUD) requires entitlement communities to conduct public hearings regarding the views and comments of citizens as to the housing and community development needs within the City for the next fiscal year beginning April 1, 2008; and

WHEREAS, on September 24, 2007, the City Council adopted a resolution regarding the City's Combined Sewer Overflow budget challenges and indicated their desire to utilize Community Development Block Grant Funds (CDBG) to the greatest extent possible for eligible CSO infrastructure;

WHEREAS, a preliminary Annual Action Plan for the expenditure of CDBG and HOME funds is established after receiving comments at a public hearing in January; and

WHEREAS, a second public hearing is required in February to receive comments on the proposed Annual Action Plan prior to submission in March to HUD; and

WHEREAS, the purpose of the Annual Action Plan is to develop and identify an expenditure plan for CDBG and HOME funds that will help eliminate slums or blighting influences and to benefit very low to moderate income individuals, particularly in the areas of neighborhood preservation and improved housing conditions; and

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for Monday, January 14, 2008, to hear views of citizens on the general needs in community development, housing and special services, utilizing CDBG and HOME funds for the fiscal year beginning April 1, 2008;

BE IT FURTHER RESOLVED that the City Council hereby schedules a second public hearing for February 11, 2008, to hear comments on the proposed 2008 Annual Action Plan.

Adopted.

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

WHEREAS, the Department of Housing and Urban Development (HUD) and the Federal Housing Administration (FHA) acquire single-family homes as a result of foreclosure actions with said properties being offered for sale to the public at-large; and

WHEREAS, after a period of six months, if the properties are not sold to a home owner or investor, they are offered to the local municipality for purchase for one dollar ($1.00) through a sales contract which is entered into by HUD's representatives and the City; and

WHEREAS, the City of Port Huron desires to evaluate, inspect, and purchase such properties within our community to act as a catalyst for neighborhood revitalization to mitigate the adverse impact foreclosures have on the community; and

WHEREAS, said properties would then be sold to the City's partner, the Port Huron Neighborhood Housing Corporation (PHNHC), at a price which will recover any expenditures the City has made (taxes, title fees, etc.); and

WHERERAS, the PHNHC will renovate or reconstruct the properties and sell them to low- to moderate-income homebuyers at below-market value prices, thereby creating quality, affordable, owner-occupied housing opportunities within the City;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby authorizes the appropriate City officials to enter into sales contracts with the Chapman Law Firm, HUD's Michigan representative for HUD and FHA foreclosed properties, for the purpose of purchasing said properties;

BE IT FURTHER RESOLVED that the City Council hereby authorizes the sale of such HUD and FHA foreclosed properties, equal to the costs incurred, to the City's partner, the Port Huron Neighborhood Housing Corporation, for the purpose of renovation or reconstruction and sale to low- to moderate-income homebuyers.

Motion adopted by the following vote:

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

***R-10.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for removal of noxious weeds or unlawful growths or blighting factors; and

WHEREAS, the costs for removing noxious weeds or unlawful growths or blighting factors shall be assessed to the property owners pursuant to Chapter 22, Sections 22-83 and 22-108, City of Port Huron Code of Ordinances; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot assessments in the total amount of $320.00 upon the lots and premises described in the attached special assessment report (see City Clerk File #07-143) for the cost of removing noxious weeds or unlawful growths or blighting factors.

Adopted.

R-11. Councilmember Fisher 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:

South 136.45 feet Lot 12, Block 26, White Plat; also known as: 725 Chestnut Street, City of Port Huron,

has been brought to the attention of the City Council by the Building Official as Code Case #07-005 (see City Clerk File #07-103) 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 August 13, 2007, with respect to said property, it is the judgment of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, Section 10-211 and Chapter 34, Section 34-3 of the Code of Ordinances of the City of Port Huron;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

[XX] 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 City of Port Huron Code of Ordinances.

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

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

Councilmember Relken moved to postpone action until the regular meeting of January 14, 2008.

Motion adopted unanimously.

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

WHEREAS, the City Council desires to amend and/or repeal certain ordinances that have been enacted; and

WHEREAS, Councilmember Byrne has identified various ordinances that he would like addressed at the next regularly scheduled meeting of the City Council;

NOW, THEREFORE, BE IT RESOLVED, that the City Manager is directed to prepare the appropriate ordinance language to enact changes to Chapter 4, Section 4-2(a) and (b), a copy of which is attached, as listed below:

1. Remove Section 4-2(a), which currently reads as follows:

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

2. Amend Section 4-2(b), to replace "…possess or have under his control or custody.." with "…sell or offer for sale…" which currently reads as follows:

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

3. Amend Section 4-2(b)(1) to replace "A nonprofit corporation…" with "An entity…" which currently reads as follows:

> "A nonprofit corporation has obtained a permit for the use of the property from the special events committee by application therefore."

Councilmember Lewandowski moved to postpone action until the regular meeting of January 14, 2008 and direct administration to provide a report.

Motion adopted by the following vote:

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

R-13. Councilmember Byrne offered and moved the adoption of the following resolution:

WHEREAS, the City Council desires to amend and/or repeal certain ordinances that have been enacted; and

WHEREAS, Councilmember Byrne has identified various ordinances that he would like addressed at the next regularly scheduled meeting of the City Council;

NOW, THEREFORE, BE IT RESOLVED, that the City Manager is directed to prepare the appropriate ordinance language to enact changes to Chapter 6, Amusements and Entertainment by removing said chapter, a copy of which is attached hereto.

Adopted unanimously.

R-14. Councilmember Byrne offered and moved the adoption of the following resolution:

WHEREAS, the City Council desires to amend and/or repeal certain ordinances that have been enacted; and

WHEREAS, Councilmember Byrne has identified various ordinances that he would like addressed at the next regularly scheduled meeting;

NOW, THEREFORE, BE IT RESOLVED, that the City Manager is directed to prepare the appropriate ordinance language to enact changes to Chapter 24, Fire Protection and Prevention of the Code of Ordinances of the City of Port Huron by amending Section 307.3.3 b (1), a copy of which is attached hereto, which currently reads as follows:

"No person shall cause or permit, except as herein stipulated, any open burning of garbage or other combustible refuse or waste material, including by way or description, but not by way of limitation, paper, leaves, tree trimmings and grass. This provision shall not be construed to prohibit fires of charcoal or non-ash-producing fuels when used, on private property or in public recreation areas, for the exclusive preparation of food for human consumption, nor to prohibit fuels from being used not less than 15 feet from combustible materials when burned in metal containers for the heating of building materials and the warmth of workers."

by adding to the end of that section:

"This provision shall not be construed to prohibit owners of private property from using contained portable fire pits, portable fireplaces or outdoor stoves to safely burn firewood for enjoyment on their private property."

Motion adopted by the following vote:

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

R-15. Councilmember Byrne offered and moved the adoption of the following resolution:

WHEREAS, the City Council desires to amend and/or repeal certain ordinances that have been enacted; and

WHEREAS, Councilmember Byrne has identified various ordinances that he would like addressed at the next regularly scheduled meeting of the City Council;

NOW, THEREFORE, BE IT RESOLVED, that the City Manager is directed to prepare the appropriate ordinance language to enact changes to Chapter 36, Parks and Recreation of the Code of Ordinances of the City of Port Huron, a copy of which is attached, as listed below:

1. Remove Sections 36-8, 36-9 and 36-10 which currently read as follows:

"Sec. 36-8. Alcoholic liquors. No person shall bring any alcoholic liquor into any city park or consume any such beverage in any city park.

Sec. 36-9. Limitation on certain games and exercises in parks. No person shall engage in baseball, football or softball throwing, or any violent or rough exercises or play in any public park or other public place, except in areas designated therefore by the city manager.

Sec. 36-10. Driving or parking vehicles.

(a) No person, other than city employees in the performance of their duties, shall drive any vehicle of any description upon any part of a park or other public recreational area which is laid out and appropriated for grass or shrubbery unless authorized in writing by the parks director.

(b) No person shall stand or park a vehicle of any description in any park or other public recreational area, except at places which are properly signed permitting parking, unless authorized in writing by the parks director."

2. Amend the title of Section 36-14, a copy of which is attached, which currently reads "Presence on Huron Lightship at Pine Grove Park" to read "Presence on Huron Lightship at Pine Grove Park After Closing".

Councilmember McCulloch moved to postpone action until the regular meeting of January 14, 2008 and direct administration to provide a report.

Motion adopted unanimously.

***R-16.** WHEREAS, the Board of Canvassers is provided for by the general election laws of the State of Michigan and Section 33 of the City Charter; and

WHEREAS, membership consists of two Republicans and two Democrats, appointed by the City Council, and the terms of one Republican and one Democrat (vacancy) will expire on December 31, 2007;

NOW, THEREFORE, BE IT RESOLVED that Karen Jamison, Republican, 3830 Catalpa Court, is herby reappointed to serve as a member of the Board of Canvassers for a four year term expiring December 31, 2011.

Adopted.

***R-17.** WHEREAS, the City of Port Huron owns property in the block bounded by the Grand Trunk and C & O railroad line to the north, Petit Street to the south, 1905 Beard Street to the east, and 24th Street to the west, legally described as:

that portion of the 20th Street right-of-way (67.52 feet wide) between the north right-of way line of Petit Street and the north property line of Outlots K and L, Assessor's Railroad Plat (this portion of 20th Street was originally the east 34.52 feet of Outlot K and the west 33 feet of Outlot L), City of Port Huron, St. Clair County; and

WHEREAS, on December 4, 2007, the City Planning Commission held a public hearing to hear comments on the proposed vacation of said property; and

WHEREAS, the City Planning Commission, after due consideration, recommended approval (8 ayes; 0 nays; 1 absent; 0 abstain) of the vacation; and

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

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for January 14, 2008, to hear comments on the proposed vacation of the above-described 20th Street right-of-way, with the reservation of a utility easement over the easterly 66 feet.

Adopted.

***R-18.** WHEREAS, a request has been received to vacate a portion of easement located on property in the block bounded by the Grand Trunk and C & O railroad line to the north, Petit Street to the south, 16th Street to the east, and 2005 Petit Street to the west, legally described as:

> *that portion of the public utility easement over the east twenty feet of the west sixty-three feet of Outlot L, Assessor's Railroad Plat between the north right-of-way line of Petit Street, if extended east, and a line parallel to and twelve feet south of the north property line of said Outlot L,* City of Port Huron, St. Clair County; and

WHEREAS, on December 4, 2007, the City Planning Commission held a public hearing to hear comments on the proposed vacation of said property; and

WHEREAS, the City Planning Commission, after due consideration, recommended approval (8 ayes; 0 nays; 1 absent; 0 abstain) of the vacation, contingent upon the AT & T cable being moved out of the portion of easement to be vacated; and

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

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for January 14, 2007, to hear comments on the proposed vacation of the above-described public utility easement located over the east 20 feet of the west 30 feet of property known as 1905 Beard Street.

Adopted.

MOTIONS & MISCELLANEOUS BUSINESS

1. Councilmember McCulloch mentioned that the DARE officer position could be discussed at the joint Board of Commissioners meeting to be held in the future. Councilmember Fisher asked whether grant funds could be used.

2. Mayor Pro-tem Fisher announced Old Towne Christmas caroling which will take place Saturday, December 15 from 5 to 9 p.m. and stated that any interested persons can join them on the trolley.

3. Councilmember Relken asked whether the new fees for use of the Palmer Park Recreation Center could be waived for the Council on Aging's senior meal program. He congratulated the Salvation Army and United Way for successful campaigns.

4. Councilmember Byrne announced the First Night celebration.

5. Mayor Moeller wished everyone a Merry Christmas and Happy New year. He also announced that the City's line item budget would be available for the public starting on Tuesday, December 11 on a local website, www.local-opinion.com

On motion (10:30 p.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk