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**CITY OF PORT HURON  
2010  
Council-Manager Government**

**MAYOR**

Pauline M. Repp

**COUNCIL**

Sherry L. Archibald  
James M. Fisher

Alan R. Lewandowski  
Steven G. Miller

Brian J. Moeller  
Rico A. Ruiz

**ADMINISTRATIVE OFFICERS**

**City Manager**

Bruce C. Brown

**Bureau of Public Information & Complaints**

Susan M. Child..... Director

**Information Technology**

James J. Brennan..... Director

**City Clerk's Office**

Susan M. Child..... City Clerk

**Marinas**

John H. Ogden ..... Finance Director

**Community Development**

Kimberly A. Harmer..... Director

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

Robert W. Eick..... Supervisor

**Finance Department**

John H. Ogden..... Director

**Planning Department**

Kimberly A. Harmer..... Director

**Fire Department**

Robert W. Eick..... Chief

**Police Department**

Donald E. Porrett..... Chief

**Human Resources Department**

Julie A. Davis ..... Director

**Public Works**

Robert E. Clegg ..... City Engineer

**Recreation**

Nancy Winzer..... Director

**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, January 11, 2010, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.**

The meeting was called to order by Mayor Repp.

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

The minutes of the regular meeting of December 14, 2009, and special meeting of December 17, 2009, were approved.

**PRESENTATIONS**

1. Certificate of Appreciation recognizing the 50<sup>th</sup> anniversary of Cavis' Grill was presented to George Cavis.

**PUBLIC HEARINGS**

1. **The Mayor** announced that this was the time to hear comments on Code Case #09-006, 2624 Stone Street, to determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211, and Chapter 34, Section 34-3, of the Port Huron City Code.

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

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

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

*Lot 5, Block 88, Plat of Village of Fort Gratiot; also known as 2624 Stone Street*

has been brought to the attention of the City Council by the Building Official as Code Case #09-006 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 December 14, 2009, with respect to said property, it is the judgment of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, Section 10-211 and Chapter 34, Section 34-3 of the Code of Ordinances of the City of Port Huron;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the above-described property is of such condition as to constitute a nuisance within the meaning and definition of Chapter 10, Section 10-211 and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron and contains the following code violations:

[ X ] Building [ ] Electrical [ X ] Mechanical [ X ] Plumbing

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.

BE IT FURTHER RESOLVED that costs for asbestos abatement and demolition are authorized in an amount not to exceed \$20,000.00.

Motion adopted unanimously.

2. **The Mayor** announced that this was the time to hear comments on the general needs in community development, housing, and special services utilizing CDBG and HOME funds for the next five years and for fiscal year beginning April 1, 2010.

Ken Harris, Wells Street, addressed the City Council and stated that the Quality of Life Commission should receive funding to assist with their mission.

Darrin Rushing, 14<sup>th</sup> Street, addressed the City Council and stated that funding should be used for two full-time positions to assist with housing and rental enforcement and that the water rates should be increased to pay for the water/sewer separation debt.

Kathleen McCready, 14<sup>th</sup> Street, addressed the City Council and stated that funds should be used to buy and demolish homes in order to assist with cleanup and stabilization of our neighborhoods.

Mike Bodeis, President of the Port Huron Landlords Association, addressed the City Council and stated that the funds should be used to buy and demolish rundown properties, that funds should not be used to rehab homes and that he is opposed to water rate increases.

**The Mayor** declared the hearing closed.

**PUBLIC AUDIENCES**

1. Margaret Enright, Sherman Street, addressed the City Council regarding asking that Sherman Street be changed to be one-way because it is difficult to maneuver around parked vehicles, requested that the snow plow crews enter Sherman from 14<sup>th</sup> Street so the snow is pushed up on the side with no homes and encouraged Council and the community to attend the many upcoming winter activities.

2. Ken Harris, Wells Street, addressed the City Council and stated that the Silver Stick tournament was very entertaining last weekend but was disappointed that certain items discussed last year to promote the Silver Stick tournament have not been done (banners, storefront signs welcoming participants, etc.) and hoped that more would be done to promote the tournament in two weeks.

### CONSENT AGENDA

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

### COMMUNICATIONS & PETITIONS

**C-1. Councilmember Fisher** moved, seconded by Councilmember Miller, to receive and file the following communication and scheduled a public hearing for January 25, 2010, to hear comments on this request:

Letter from James Mount requesting the City Council grant him a waiver to operate a tattoo establishment at 2004 10<sup>th</sup> Street as his Tattoo Establishment application has been denied as the building is located within a 300 foot radius of residential dwelling units and is prohibited under Section 12-811(2)(c) and (2)(d) of the Code of Ordinances.

Motion adopted by the following vote:

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

### FROM THE CITY MANAGER

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

On December 17, 2009, the City of Port Huron received one (1) bid for a 2010 Ford Taurus for use in the Police Department:

Northgate Ford (Port Huron, MI)	\$19,143.00
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It is recommended that the bid of Northgate Ford, 3600 Pine Grove Avenue, Port Huron, Michigan 48060, in the amount of Nineteen Thousand One Hundred Forty-Three and 00/100 Dollars (\$19,143.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

### RESOLUTIONS

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

BE IT RESOLVED that the Finance Director is hereby authorized to pay the attached payments. (See City Clerk File #10-01)

Motion adopted unanimously.

**R-2. ITEM WITHDRAWN BY ADMINISTRATION**

**\*R-3.** WHEREAS, the St. Clair County Sheriff Department Marine Rescue and Recovery Unit has made application to the Bureau of State Lottery for a charitable gaming license; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council does hereby recognize the St. Clair County Sheriff Department Marine Rescue and Recovery Unit as a nonprofit organization in the City of Port Huron.

Adopted by consent.

**\*R-4.** WHEREAS, state liquor licenses granted to local establishments such as barrooms, taverns, etc., are renewed by the State of Michigan, Liquor Control Commission, on April 1 of each year; and

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

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

WHEREAS, the following list of liquor licensees who are delinquent in payment of taxes, utility payments and/or income tax reporting/payments has been prepared and considered:

Alley Room, 409 Quay Street  
Bistro 1882, 2333 Gratiot Avenue  
Black River Café, 213 Huron Avenue  
Blue Water Bowl, 2419 Lapeer Avenue  
Bowl-O-Drome/Zebra Lounge, 522 Quay Street  
Casey's Pizza & Sub, 628 Huron Avenue  
Harrington Inn, 1026 Military Street  
Legendz, 1631 Garfield Street  
Military Street Café, 1102 Military Street  
Palms Krystal Bar, 1535 Pine Grove Avenue  
Streamline Bar, 1934 Lapeer Avenue  
Thomas Edison Inn, 500 Thomas Edison Parkway

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 8, 2010, to afford the licensees an opportunity to "defend by confronting any adverse witness and by being allowed to present in person witnesses, evidence, and arguments." Said notice shall be mailed at least ten (10) days before said hearing and shall detail the reasons for the proposed administrative action.

2. Publish a notice of said hearing once in the Times Herald.

Adopted by consent.

**\*R-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 \$2,683.50 upon the lots and premises described in the attached special assessment report (see City Clerk File #10-2) for the cost of removing noxious weeds or unlawful growths or blighting factors.

Adopted by consent.

**\*R-6.** WHEREAS, the Wastewater Treatment Plant generates biosolids as an end product of its wastewater treatment process; and

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

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

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

WHEREAS, the MDEQ requires that the City of Port Huron obtain authorization under the auspices of the City's National Pollutant Discharge Elimination System (NPDES) Permit to operate its Biosolids Land Application Program, and the annual biosolids land application fee is based upon the equivalent dry tons applied to agricultural land (2,049 dry tons in 2009);

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the payment of \$17,652.58 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 by consent.

**\*R-7.** WHEREAS, City Administration has requested the following described City of Port Huron street right-of-way be vacated:

*Thirteenth Street right-of-way from the south right-of-way line of Beard Street, thence 116 feet south to the south right-of-way line of vacated Alleys 212 and 213 in Blocks 1 & 2; said street right-of-way adjacent to Lot 7, Block 1, and Lot 1, Block 2, Assessor's Beard Street Plat, City of Port Huron, St. Clair County, Michigan; and*

WHEREAS, on January 5, 2010, the City Planning Commission held a public hearing to receive comments and consider any objections to the proposed vacation; and

WHEREAS, after due consideration, it was the judgment of the Planning Commission that the vacation would be in keeping with the City's Master Plan and in furtherance of the public interest and benefit, and recommended the City Council approve the request (vote: 5 ayes; 0 nays; 4 absent; 0 abstained);

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby vacates the above-described street right-of-way, with the reservation of a full-width public utility easement.

Adopted by consent.

**\*R-8.** WHEREAS, City Administration has requested the following described public utility easement be vacated:

*the public utility easement in the portion of 13th Street right-of-way which was vacated June 12, 1967, from the south right-of-way line of vacated Alleys 212 and 213 in Blocks 1 and 2; thence 282 feet south to the south right-of-way line of vacated Alley 214 in Blocks 7 and 8; said street right-of-way adjacent to Lot 8, Block 1; Lot 16, Block 2; Lot 1, Block 7; and Lot 7, Block 8; Assessor's Beard Street Plat, City of Port Huron, St. Clair County, Michigan; and*

WHEREAS, on January 5, 2010, the City Planning Commission held a public hearing to receive comments and consider any objections to the proposed vacation; and

WHEREAS, after due consideration, it was the judgment of the Planning Commission that the vacation would be in keeping with the City's Master Plan and in furtherance of the public interest and benefit and recommended the City Council approve the request (vote: 5 ayes; 0 nays; 4 absent; 0 abstained);

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby vacates the above-described easement contingent upon a private easement agreement being executed between the property owners and all utility entities with utilities located within the easement.

Adopted by consent.

## ORDINANCES

**O-1. Councilmember Fisher** moved, seconded by Councilmember Ruiz, that an ordinance introduced December 14, 2009, entitled and reading as follows be given its third and final reading and enacted:

### ORDINANCE NO. 1305

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE IV, GENERAL AND SUPPLEMENTARY REGULATIONS, SECTION 52-703, ALTERNATIVE ENERGY DEVICES, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF PROVIDING REGULATIONS FOR ROOF-MOUNT WIND TURBINES.

#### **THE CITY OF PORT HURON ORDAINS:**

That Chapter 52, Zoning, Article IV, General and Supplementary Regulations, Section 52-703, Alternative Energy Devices, of the Code of Ordinances of the City of Port Huron for the purpose of providing regulations for roof-mount wind turbines is hereby amended as follows:

### CHAPTER 52. ZONING

#### ARTICLE IV. GENERAL AND SUPPLEMENTARY REGULATIONS

##### **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 and roof shingles 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. Solar panel grids on a ground pole may be installed in C-1, CBD, I, M-1, and M-2 districts. The size and height are not to exceed regulations obtained from the Inspection Division.

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 turbine towers are allowed in any zoning district provided the property size is 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 or within an engineered fall zone.

c. Maximum height of the wind turbine tower 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.) requirements. Wind turbine towers of up to a maximum height of 90 feet shall be allowed in open areas in excess of two (2) acres and with engineered, professionally sealed construction plans and proper permits from the building official.

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.

j. Roof mount wind turbines are allowed in all zoned districts and must be installed according to industry standards with engineered, professionally sealed construction plans and applicable building codes. Roof mount turbines may be affixed to the roof of either a primary structure or an accessory structure and placed so as not to be easily visible from the front public view. Roof mount turbines may not exceed a height of four (4) feet above the rooftop.

(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 in compliance 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 that can be measured at the property line to exceed 63 decibels.

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 of written notice from the City to remove.

SUSAN M. CHILD, CMC  
CITY CLERK

ADOPTED: 01/11/10  
PUBLISHED: 01/16/10  
EFFECTIVE: 01/24/10

Motion adopted unanimously.

## MOTIONS & MISCELLANEOUS BUSINESS

**1. Mayor Repp** announced the following:

The Port Huron Charter Commission will meet on January 12 at 7 p.m. in Conference Room 408 of the Municipal Office Center.

An e-mail message was received by the Council from Doug Faletti relaying the accomplishments of local resident Jack Campbell who helped the United States Junior Hockey Team win the gold medal in the World Under 20 Hockey Championship as their goalie on January 5, 2010, in Saskatoon, Canada, which gave Port Huron a reason to be proud.

**2. Mayor Repp** asked Councilmembers to check their calendars for their availability to attend a special meeting on Monday, February 15, 2010, to give the Council an opportunity to share ideas with administration regarding the 2010-2011 budget and to relay the ideas to the City Manager ahead of time so he can prepare for the meeting.

**3. Councilmember Archibald** congratulated everyone involved with the Silver Stick Tournament this past weekend and stated she liked the fact that entry into the games was free and encouraged everyone to attend the games again in two weeks. She also extended accolades to local area player Tyler Motte who played for Detroit's Honeybaked Ham team who won the Bantam AAA title.

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

SUSAN M. CHILD, CMC  
City Clerk

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**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, January 25, 2010, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.**

The meeting was called to order by Mayor Repp.

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

The minutes of the regular meeting of January 11, 2010, were approved.

**PRESENTATIONS**

1. Proclamation recognizing January 30-April 4, 2010 as "A Season for Nonviolence" was presented to Lyn Chabot, Co-Coordinator, Blue Water Season for Nonviolence.
2. A quarterly report for McMorran Place was given by Randy Fernandez, General Manager, and Mark Bessette, Chair, McMorran Civic Center Authority (see City Clerk File #10-03). It was also mentioned that McMorran Place is having a 50<sup>th</sup> Anniversary Celebration on Thursday, January 28, in the Under the Ice Lounge, at 6:00 p.m.

**PUBLIC HEARINGS**

1. Applicant James Mount withdrew his request for reconsideration of his denied application for a tattoo business license at 2004 - 10<sup>th</sup> Street.

**PUBLIC AUDIENCES**

1. Anthony America, Port Huron, addressed the City Council regarding an incident at the new post office in the township.
2. David Ellingwood, Port Huron, addressed the City Council regarding several issues that affect visually impaired persons such as traffic signals are needed that would assist the visually impaired with crossing the road safely, that a railing is needed between the bridges on the Black River where boats are docked to prevent someone from falling into the water and that it is difficult for visually impaired persons to learn about local events being held in the community.
3. Rich Engle stated that he and Dave Brown were available to answer any questions by City Council regarding the resolution requesting that the River Street management agreement be extended five years.
4. Lonnie Stevens, Military Street, addressed the City Council and applauded the McMorran Authority for their achievements and their turnaround business plan and stated her support for the proposed appointments to the Authority.

**CONSENT AGENDA**

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

**RESOLUTIONS**

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

WHEREAS, it is stated in the amended Articles of Incorporation of the McMorran Civic Center Authority Article V, Section 1, that "the authority shall be directed and governed by a board of seven commissioners known as the Commission, each to be elected by the City Council of the City of Port Huron, no member of which may be a member of the authority commission;" and

WHEREAS, it is further stated in the amended Articles of Incorporation, Article V, Section 3, that "a designated member of the City Council will serve as a non-voting liaison between the commission and the Council;" and

WHEREAS, the appointments of Laurie Charron (Member At-Large) and Jim McPhee (Stakeholder Representative) expired on December 31, 2009, and there also exists a vacancy in the City Council liaison position; and

WHEREAS, a request has been made by the current McMorran Civic Center Authority commission members that a non-voting liaison member from the St. Clair County Board of Commissioners representative be appointed; and

NOW, THEREFORE, BE IT RESOLVED that Howard T. Heidemann (Member At-Large) and George C. Moss, Jr., (Stakeholder Representative) are hereby appointed to the McMorran Civic Center Authority for three-year terms to expire December 31, 2012; and

BE IT FURTHER RESOLVED that Steven G. Miller (Port Huron City Council) and Jeffrey Bohm (St. Clair County Board of Commissioners) are hereby appointed to serve as non-voting liaison members.

Motion adopted by the following vote:

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

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

WHEREAS, the Police Department takes equipment out of service due to age and beyond normal life expectancy; and

WHEREAS, the Police Department has 92 gas masks that are no longer serviceable and should not be used in an environment which would expose the user to chemical agents; and

WHEREAS, the gas masks could be used for training purposes, so long as the user is not exposed to chemical agents; and

WHEREAS, the Saint Clair County TEC Public Safety Academy trains high school students from Saint Clair County schools in police and fire operations as part of their high school learning experience; and

WHEREAS, the Public Safety Academy would greatly benefit from the donation of the gas masks, to better instruct the students in another facet of law enforcement;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the donation of 92 gas masks to Saint Clair County TEC Public Safety Academy and hereby authorizes Donald E. Porrett, Police Chief, to proceed with the donation of these items and to execute any necessary documentation associated with this donation.

Motion adopted unanimously.

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

WHEREAS, the current interview room camera equipment is more than ten years old, has outlasted its life expectancy and there is no backup system in place; and

WHEREAS, the current trend in the courts is to require audio or audio/video recording of any statements taken from suspects; and

WHEREAS, in recent years, many technological advances have occurred with camera and audio recording equipment; and

WHEREAS, in order to select the best product available, research was conducted by members of the police department and it was determined that we would require recording capabilities in four specific rooms to provide for ease of operation, server connectivity, DVR download, a minimum of three terabyte storage capacity and a back-up unit; and

WHEREAS, four different vendors were contacted and product demonstrations and quotes were given for their proposals; and

WHEREAS, MDK Alarm Systems 828 Huron Avenue, Port Huron, Michigan, was selected as the vendor to provide the camera system as they have been in business for 31 years, they are a fully licensed video surveillance specialist and their system will best meet the needs of the police department; and

WHEREAS, the total cost to purchase the proposed system is \$17,495 with funding coming from an Edward Byrne Memorial Justice Association Grant;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached agreement with MDK Alarm Systems for the purchase and installation of a four-room camera system, with the funding being used from the Edward Byrne Memorial Justice Assistance Grant, and authorizes the appropriate City officials to execute the necessary documents (see City Clerk File #10-04).

Motion adopted unanimously.

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

WHEREAS, the lighting, heating and cooling infrastructures throughout various City buildings are old and obsolete and new energy-efficient systems are available that have the potential to provide significant cost-savings; and

WHEREAS, "performance contracting" involves entering into a contract with a private company that will prepare a project development plan that will identify, evaluate and recommend improvements to the infrastructure with the contractor costs being funded by energy savings realized through the various projects; and

WHEREAS, a team comprised of various City staff members reviewed qualification statements from four energy-based performance contractors and it was determined through a competitive selection process that Johnson Control, Inc., is the appropriate firm to provide energy-based performance contracting for the City of Port Huron; and

WHEREAS, if the City proceeds with the energy based performance contract, any costs incurred by the contractor to develop the project development plan will be funded by energy savings developed through that project; and

WHEREAS, a preliminary internal review has been made of the City's infrastructure and there are several possible projects that will have sufficient operating savings necessary to repay the costs of these projects;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Johnson Controls, Inc., for the energy-based performance contracting project development at a cost of \$93,237.00 (which is expected to be absorbed by the eventual energy-based performance contract) and authorizes the appropriate City officials to execute the agreement (see City Clerk File #10-05).

Motion adopted unanimously.

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

WHEREAS, the City of Port Huron currently participates in the Federal Emergency Management Agency's (FEMAs) National Flood Insurance Program (NFIP) by complying with the program's applicable statutory and regulatory requirements for the purposes of significantly reducing flood hazards to persons, reducing property damage, and reducing public expenditures, and providing for the availability of flood insurance and federal funds or loans within its community, and

WHEREAS, the NFIP requires that floodplain management regulations must be present and enforced in participating communities, and utilize the following definitions, which also apply for the purposes of this resolution:

1. *Flood or Flooding* means:

a. A general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the overflow of inland or tidal waters, 2) the unusual and rapid accumulation or runoff of surface waters from any source, 3) mudflows, and

b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding, as defined in paragraph a.1) of this definition.

2. *Flood insurance rate map (FIRM)* means the official map, which the Federal Emergency Management Agency (FEMA) has delineated both the risk premium zones applicable to the community and the Special Flood Hazards Areas designated as Zone A, AE, AH, AO, AR, A99, V or VE.

3. *Floodplain* means any land area susceptible to being inundated by water from any source.

4. *Floodplain management* means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

5. *Floodplain management regulations* means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, such as a floodplain ordinance, and other applications of police power that provide standards for the purpose of flood damage prevention and reduction.

6. *Structure* means a walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home or manufactured unit.

WHEREAS, the Stille-Derossett-Hale Single State Construction Code Act, Act No. 230 of the Public Acts of 1972, as amended, along with its authorization of the state construction code composed of the Michigan Residential Code and the Michigan Building Code and its Appendices, specifically Appendix G, contains floodplain development and management regulations that comply with the FEMA NFIP minimum floodplain management criteria for flood prone areas, as detailed in Title 44 of the Code of Federal Regulations (44 CFR), Section 60.3; and

WHEREAS, by an ordinance adoption action dated August 13, 2001, the City of Port Huron accepted the responsibility to administer, apply, and enforce the provisions of the construction code act and the state construction code, specifically the Michigan Residential Code and the Michigan Building Code, to all construction within its community boundaries;

NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of Port Huron, Michigan, that in order to maintain eligibility and continued participation in the NFIP:

1. The City of Port Huron directs its designated enforcing agent for the construction code act, the Chief Inspector, to administer, apply, and enforce the floodplain management regulations as contained in the state construction code including Appendix G, and to be consistent with those regulations by:

a. Obtaining, reviewing, and reasonably utilizing flood elevation data available from federal, state, or other sources pending receipt of data from the FEMA to identify the flood hazard area and areas with potential flooding.

b. Ensuring that all permits necessary for development in floodplain areas have been issued, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Natural Resources and Environment under the floodplain regulatory provisions of Part 31, "Water Resources Protection," of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

c. Reviewing all permit applications to determine whether the proposed building sites will be reasonably safe from flooding.

Where it is determined that a proposed building will be located in a flood hazard area or special flood hazard area, the construction code act enforcing agent shall implement the following applicable codes according to their terms:

(1) Floodplain management regulation portions and referenced codes and standards of the current Michigan Residential Code.

(2) Floodplain management regulation portions and referenced codes and standards of the current Michigan Building Code.

(3) Appendix G of the current Michigan Building Code.

d. Reviewing all proposed subdivisions to determine whether such proposals are reasonably safe from flooding and to ensure compliance with all applicable floodplain management regulations.

e. Assisting in the delineation of flood hazard areas, providing information concerning uses and occupancy of the floodplain or flood-related erosion areas, maintaining flood-proofing and lowest floor construction records, and cooperating with other officials, agencies, and persons for floodplain management.

f. Advising FEMA of any changes in community boundaries, including appropriate maps.

g. Maintaining records of new structures and substantially improved structures concerning any certificates of floodproofing, lowest floor elevation, basements, floodproofing, and elevations to which structures have been flood proofed.

2. The community assures the Federal Insurance Administrator that it intends to review, on an ongoing basis, all amended and revised Flood Insurance Rate Maps (FIRMs) and related supporting data and revisions thereof and revisions of 44 CFR, Part 60, Criteria for Land Management and Use, and to make such revisions in its floodplain management regulations as may be necessary to continue to participate in the program.

BE IT FURTHER RESOLVED that the City Council of the City of Port Huron hereby adopts the Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled "St. Clair County, Michigan, Study Number 26147CV000A" and dated May 3, 2010, and the Flood Insurance Rate Maps (FIRMs) panel numbers 26147C0237D, 26147C0239D, 26147C0245D, 26147C0352D, 26147C0355D, 26714C0356D, 267147C0360D, and 26714C0365D of community number 260204, City of Port Huron, St. Clair County, Michigan, and dated May 3, 2010, which are hereby adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) of the Michigan Residential Code, and also adopts the Base Flood Elevation that the Federal Emergency Management Agency has declared for the St. Clair River and Black River, which is indicated on said Flood Insurance Rate Maps.

Motion adopted by the following vote:

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

No: Councilmember Moeller.

Absent: None.

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

WHEREAS, the City Manager has issued Temporary Traffic Control Order Nos. 1230 through 1235 effective December 7, 2009, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code, to effectuate the necessary changes due to road realignments of State Street, Gratiot Avenue and Elmwood Street by the Michigan Department of Transportation under the Bridge Water Bridges, as follows:

TCO#	Description
1230-	Rescission of Traffic Control Orders #6, 9-B, 195, 229, 679, 788, 929, 963, 978, 979, 981, 983 and 1023
1231-	Elmwood Street shall stop for Wright Street
1232-	Elmwood Street is designated as a through street from Gratiot Avenue to Stone Street. Stop signs to be installed and maintained at all intersections crossing through street
1233-	Forest Street shall "STOP" for Elmwood Street
1234-	Gratiot Avenue - No parking on either side from State Street to Elmwood Street
1235-	Gratiot Avenue - There shall be no parking on the east side of Gratiot Avenue north of Elmwood Street for a distance of 100' from the apex

NOW, THEREFORE, BE IT RESOLVED that Traffic Control Order Nos. 1230, 1231, 1232, 1233, 1234 and 1235 are hereby made permanent until such time as they are modified or repealed and that Traffic Control Order Nos. 6, 9-B, 195, 229, 679, 788, 929, 963, 978, 979, 981, 983 and 1023 are hereby rescinded in order to effectuate the new traffic orders; and

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

**Councilmember Moeller** moved to amend Traffic Control Order #1231 to read "Elmwood Street shall yield for Wright Street", seconded by Councilmember Miller.

Motion adopted by the following vote:

Yes: Councilmembers Archibald, Fisher, Lewandowski, Miller and Moeller.

No: Mayor Repp and Councilmember Ruiz.

Absent: None.

Motion to adopt Resolution #6, as amended, adopted unanimously.

**\*R-7.** WHEREAS, the Michigan Department of Transportation (MDOT) recently realigned State Street, Gratiot Avenue and Elmwood Street under the Blue Water Bridges; and

WHEREAS, during this realignment, it was discovered that the roadway running along the St. Clair River from Wright Street at the north to the former intersection of State Street and Thomas Edison Parkway to the south changes names several times; and

WHEREAS, in order to provide for better continuity for the street name, it is the desire of administration to rename and rededicate this roadway as follows:

Request to rename Conger Avenue to Wright Street between the south property line of Lot 374, Block O, extended east, Lighthouse Reservation at Fort Gratiot, and the centerline of relocated Elmwood Street extended east, adjacent to Blocks O, Q, & R, Lighthouse Reservation at Fort Gratiot; Lot 6, Assessor's Forest Street Mill Plat; and Lot 1, Assessor's Replat of Lots 7 & 8 of Assessor's Forest Street Mill Plat; City of Port Huron, St. Clair County;

Request to rename Conger Avenue, Armour Street and State Street to Thomas Edison Parkway between the south right-of-way line of platted State Street extended east, and the centerline of relocated Elmwood Street extended east, adjacent to Block R, Lighthouse Reservation at Fort Gratiot; Lot 6, Assessor's Forest Street Mill Plat; and Lots 1 & 2, Assessor's Replat of Lots 7 & 8 of Assessor's Forest Street Mill Plat; City of Port Huron, St. Clair County; and

WHEREAS, this proposed renaming and rededication will not affect any residential addresses and will provide for Wright Street to be continued southerly to the center line of relocated Elmwood Street extended east and for Thomas Edison Parkway to continue northerly to the center line of relocated Elmwood Street extended east;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council does hereby rename and rededicate that portion of the roadway between the south property line of Lot 374, Block O, extended east, Lighthouse Reservation at Fort Gratiot, and the centerline of relocated Elmwood Street extended east, to be known as "Wright Street" and as more fully described above; and

BE IT FURTHER RESOLVED that the Port Huron City Council does hereby rename and rededicate that portion of the roadway between the south right-of-way line of platted State Street extended east, and the centerline of relocated Elmwood Street extended, to be known as "Thomas Edison Parkway" and as more fully described above; and

BE IT FURTHER RESOLVED that the said street being renamed and rededicated is located within a City right-of-way, is under the control of the City of Port Huron, is a public street and is for public street purposes and is hereby accepted into the City Local Street System.

Adopted by consent.

**\*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 \$85.00 upon the lots and premises described in the attached special assessment report for the cost of removing noxious weeds or unlawful growths or blighting factors (see City Clerk File #10-06).

Adopted by consent.

**\*R-9.** 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 2010 Board of Review:

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

BE IT FURTHER RESOLVED that the 2010 Board of Review shall convene on March 8, 2010, and continue in session as follows:

March 8, 2010	9:00 a.m. - 3:00 p.m.
March 9, 2010	1:00 p.m. - 4:00 p.m.
March 10, 2010	5:30 p.m. - 9:30 p.m.
March 11, 2010	9:00 a.m. - 1:00 p.m.

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

Adopted by consent.

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

WHEREAS, the City entered into an agreement with Desmond Marine, L.L.C., on February 27, 2008, to undertake the contractual management of the River Street Marina; and

WHEREAS, it is the City's desire to extend the management agreement through February 27, 2015;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached amendment to extend the agreement with Desmond Marine, L.L.C., for the management of the River Street Marina through February 27, 2015. (See City Clerk File #10-07)

Motion adopted unanimously.

**ORDINANCES**

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

AN ORDINANCE TO REPEAL IN ITS ENTIRETY CHAPTER 26, FLOOD DAMAGE PREVENTION, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF ADOPTING A NEW CHAPTER 26, FLOODPLAIN MANAGEMENT PROVISIONS OF THE STATE CONSTRUCTION CODE, TO COMPLY WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S NATIONAL FLOOD INSURANCE PROGRAM'S APPLICABLE STATUTORY AND REGULATORY REQUIREMENTS.

Motion adopted unanimously.

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

AN ORDINANCE TO AMEND CHAPTER 30, LAND DIVISIONS AND SUBDIVISIONS, ARTICLE II. SUBDIVISIONS, DIVISION 3. DESIGN STANDARDS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF UPDATING REFERENCES TO REGULATORY AGENCIES AND DOCUMENTS

Motion adopted by the following vote:

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

**MOTIONS & MISCELLANEOUS BUSINESS**

**1. Mayor Repp** announced the following items:

The Port Huron Charter Commission will meet on January 26, 2010, at 7 p.m. in Conference Room 408 of the Municipal Office Center.

Many activities were held over the past weekend (snowmobile races, Chilly Fest, Silver Stick, etc.) with many people attending and visiting our downtown area.

Congratulations were extended to the Spirit of Port Huron recipients who were presented with their awards at a ceremony held prior to the Council meeting.

On motion (8:15 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC  
 City Clerk

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**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, February 8, 2010, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.**

The meeting was called to order by Mayor Repp.

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

Absent: Councilmembers Archibald and Fisher.

The minutes of the regular meeting of January 25, 2010, were approved.

### PRESENTATIONS

1. A video of Chilly Fest and other events held in January which was made by students from St. Clair County RESA was presented. LeeAnn Peart, Director of Downtown Port Huron, introduced the teacher and the students who worked on this project and extended appreciation for the creation of this video. Those involved included the teacher, Keely Baribeau, students Michael Tyler, Patrick Palmateer and Brittney Turner and Erick Janizewski, Digital Media Technology alumni.

### PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments on the proposed 2010 Annual Action Plan. The following individuals spoke:

Jenny MacReady, resident and Executive Director of Safe Horizons, requested funding in the amount of \$17,500 and provided a letter detailing their reasons for the request. (See City Clerk File #10-08)

Ken Harris, Wells Street, stated that administrative costs are too high in the plan and that he supports the demolition of homes through the Port Huron Pride program which will in turn help the Quality of Life Commission. He also hopes that code enforcement will be performed City-wide rather than in just certain neighborhoods.

Melinda Johnson, resident, Director of the Community Action Agency and board member of Safe Horizons, expressed support for their funding request. As the Director of CAA, she works closely with Safe Horizons and has witnessed first hand the attention and assistance they provide with working through the bureaucracies which can be overwhelming and difficult to understand.

Rick Garcia, Executive Director of United Way, stated support for the shelter's request for funding. All funding agencies are struggling to provide for those in need and the shelter provides ongoing, long-term programs to help the homeless get off the streets and led in the right direction.

Ernest Werth, 6<sup>th</sup> Street resident and Development Director of Blue Water Habitat for Humanity, thanked the City Council for their past support and requested funding for Habitat to assist them with rehabilitating four homes in 2010. See City Clerk File #10-09 for a copy of the funding request letter from the Habitat's Executive Director Barbara Ernsberger.

Pamela Wall, Algonac resident, County Commissioner and board member of Safe Horizons, stated the shelter has a long history and provides a great service for those in need. The funds are needed to help with the plan to end homelessness.

Kim Harmer, Planning Director/Community Development Director, stated that an average of 12 to 20 percent is spent on administration costs to support the operation of the programs. Last year the majority of funds went to CS0 and two staff positions were eliminated. With the increase in the number of foreclosures and neighborhood/quality of life issues, administrative funding was increased to assist with various programs. The funding will not increase the level of staffing and, in fact, the division will be losing another staff member this year.

**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.

### PUBLIC AUDIENCES

1. Ken Harris, addressed the City Council and stated on behalf of the Quality of Life Commission that he encourages the return of surveys recently mailed to 500 residents.

2. Mike McCauley, Griswold Street business owner, addressed the City Council and stated that he is opposed to the adoption of Ordinance #3 and that it needs to be worked on as it will have a negative effect on his vending operation in Thomas Edison Park.

3. Trina Avedisian stated opposition to the section of the ordinance which allows the City Manager, or his designee, to make new vending rules and regulations without prior City Council approval and that it does not seem fair to vendors to change the rules without their knowledge.

### CONSENT AGENDA

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

Motion adopted by the following vote:

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

No: None.

Absent: Councilmembers Archibald and Fisher.

### FROM THE CITY MANAGER

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

On January 14, 2010, the City of Port Huron received three (3) proposals for a five (5) year agreement to provide regular and ADA portable restrooms to be used in various City parks. The following is an estimated annual cost comparison based on unit prices and on anticipated usage of each vendor that submitted proposals:

<u>Year</u>	<u>Scotty's Potty's Port Huron, MI</u>	<u>Carl's Septic Service, Yale MI</u>	<u>Jay's Septic Tank Service Lapeer, MI</u>
2010	\$ 48,146.00	\$ 61,780.00	*
2011	49,496.00	62,250.00	
2012	50,866.00	62,720.00	
2013	52,236.00	63,190.00	
<u>2014</u>	<u>53,604.00</u>	<u>63,660.00</u>	
Total	\$ 254,348.00	\$ 313,600.00	

\* Did not met proposal specifications

It is recommended that the proposal from Scotty's Potty's, 1721 Whipple Street, Port Huron, Michigan 48060, for a five (5) year period to provide portable restrooms on a unit price basis, be accepted and that the appropriate City Officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

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

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

On January 28, 2010, the City of Port Huron Utilities Division received five (5) bids for Wastewater Treatment Plant blowers and diffusers phase II:

Watson Brothers Company (Port Huron, MI)	\$739,000.00
Pipe Systems, Inc. (Troy, MI)	\$749,547.00
De-Cal, Inc. (Warren, MI)	\$764,900.00
J. F. Cavanaugh Company (Farmington Hills, MI)	\$782,400.00
Trojan Development Co. (Oxford, MI)	\$795,000.00

It is recommended that the bid of Watson Brothers Company, 325 Court Street, Port Huron, Michigan 48060, in the amount of Seven Hundred Thirty-Nine Thousand and 00/100 Dollars (\$739,000.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

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

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

On January 14, 2010, the City of Port Huron Utilities Division received eight (8) bids for the replacement of two (2) transformers at the Water Filtration Plant:

Transformer Inspection Retrofill Corp. (Royal Oak, MI)	\$46,550.00
Great Lakes Power & Lighting (Casco, MI)	\$50,400.00
Detroit Electrical Services, LLC (Detroit, MI)	\$58,500.00
Great Lakes Power Services (Linwood, MI)	\$58,590.00
Rauhorn Electric Inc. (Macomb, MI)	\$58,788.00
Shaw Electric Co. (Livonia, MI)	\$61,498.00
Alpha Electric, Inc. (Sterling Heights, MI)	\$63,800.00
SPE Utility Contractors (Port Huron Twp, MI)	\$67,600.00

It is recommended that the bid of Transformer Inspection Retrofill Corp., 2704 Normandy Road, Royal Oak, Michigan 48073, in the amount of Forty-Six Thousand Five Hundred Fifty and 00/100 Dollars (\$46,550.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Lewandowski, Miller and Ruiz.  
No: Councilmember Moeller  
Absent: Councilmembers Archibald and Fisher.

**CM-4. Councilmember Moeller** moved to receive and file the following City Manager's report, seconded by Councilmember Ruiz:

In accordance with Section 55 of the City Charter, there is submitted herewith a Quarterly Financial Report of the City of Port Huron for the six month period ending December 31, 2009. (See City Clerk File # 10-10).

Motion adopted by the following vote:

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

## RESOLUTIONS

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

BE IT RESOLVED that the Finance Director is hereby authorized to pay the attached payments. (See City Clerk File #10-01)

Motion adopted by the following vote:

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Manager's Downtown Development Authority re-appointment of Richard Engle for a term to expire February 9, 2014, is hereby approved and confirmed.

Adopted by consent.

**R-3. Councilmember Moeller** moved the adoption of the following resolution, seconded by Councilmember Miller:

WHEREAS, on September 28, 2009, the City Council approved the sale of an industrial building and land located at 2347 Dove Street to Automotive Properties of New York, L.L.C.; and

WHEREAS, Automotive Properties of New York has proposed that a modification be made to the original agreement that would enable them to purchase the land and building on a land contract as detailed in the attached agreement;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached Modification of Purchase Agreement with Automotive Properties of New York, L.L.C., that would provide for the land contract purchase of the industrial building and land located at 2347 Dove Street and authorizes the City Manager to sign the appropriate documents. (See City Clerk File #10-11)

Motion adopted by the following vote:

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

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

WHEREAS, the cost for trash pickup in the right-of-way shall be assessed to the property owner(s) pursuant to City ordinances, Sections 38-11, 40-19, and 42-17; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot special assessments in the total amount of \$360.24 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 #10-12).

Adopted by consent.

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

WHEREAS, a request was received to vacate the following described City of Port Huron street right-of-way:

*the Poplar Street right-of-way located between Elmwood Street and Harker Street; adjacent to Lot 4, Block 72, and Lot 1, Block 73 Subdivision of the Fort Gratiot Military Reservation; Lots 10 through 18, Block 2, and Lots 1 through 9, Block 3, Harrington's Subdivision of Lots 1 and 2 of the McNeil Subdivision of Private Claim No. 357 and No. 244; City of Port Huron, St. Clair County; and*

WHEREAS, on February 2, 2010, the City Planning Commission held a public hearing to receive comments and consider any objections to the proposed vacation; and

WHEREAS, after due consideration, it was the judgment of the Planning Commission that the vacation would be in keeping with the City's Master Plan and in furtherance of the public interest and benefit, and recommended the City Council approve the request (vote: 8 ayes; 0 nays; 1 absent; 0 abstained);

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby vacates the above-described street right-of-way, with the reservation of a full-width public utility easement.

Motion adopted by the following vote:

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

**R-6.** Resolution withdrawn by City Administration.

AT THIS POINT, **Councilmember Moeller** moved to transfer \$5 million from Chase Bank to Citizens First Savings Bank to an FDIC insured account and directed the City Manager to meet with the CEO of Citizens First Savings Bank and the FDIC to see if there is anything else the City can do to save this community bank, seconded by Councilmember Lewandowski.

Motion adopted by the following vote:

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

**ORDINANCES**

**\*O-1.** An ordinance introduced January 25, 2010, entitled and reading as follows was given its third and final reading and enacted:

ORDINANCE NO. 1306

AN ORDINANCE TO REPEAL IN ITS ENTIRETY CHAPTER 26, FLOOD DAMAGE PREVENTION, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF ADOPTING A NEW CHAPTER 26, FLOODPLAIN MANAGEMENT PROVISIONS OF THE STATE CONSTRUCTION CODE, TO COMPLY WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S NATIONAL FLOOD INSURANCE PROGRAM'S APPLICABLE STATUTORY AND REGULATORY REQUIREMENTS.

**THE CITY OF PORT HURON ORDAINS:**

That Chapter 26, Flood Damage Prevention, of the Code of Ordinances of the City of Port Huron is hereby repealed in its entirety and a new Chapter 26, Floodplain Management Provisions of the State Construction Code, is hereby adopted to comply with the Federal Emergency Management Agency's National Flood Insurance Program's applicable statutory and regulatory requirements as follows:

**Chapter 26**  
**FLOODPLAIN MANAGEMENT PROVISIONS**  
**OF THE STATE CONSTRUCTION CODE**

**Sec. 26-1. Agency designated.**

Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Chief Inspector of the City of Port Huron is hereby designated as the enforcing agency to discharge the responsibility of the City of Port Huron, St. Clair County, under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The City of Port Huron assumes responsibility for the administration and enforcement of said Act through out the corporate limits of the community adopting this ordinance.

**Sec. 26-2. State code appendix and federal regulations enforced.**

Within the corporate limits of the community, the Chief Inspector of the City of Port Huron assumes responsibility for the administration and enforcement of the provisions of the Stille-Derossett-Hale Single State Construction Code Act, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, along with the authorization of the current State Construction Code composed of the Michigan Residential Code, specifically section R324, and the Michigan Building Code and its appendices, specifically Appendix G, and Section 1612, which contains floodplain development and management regulations that comply with the Federal Emergency Management Agency's National Flood Insurance Program minimum floodplain management criteria for flood prone areas as detailed in Title 44 of the Code of Federal Regulations (44CFR), Part 60 with amendments, and the floodplain regulatory provisions of Part 31 Water Resources Protection of the Natural Resources and Environment Protection Act, 1994 PA 451, as amended.

**Section 26-3. Designation of regulated flood prone hazard areas.**

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled "St. Clair County, Michigan, Study Number 26147CV000A and dated May 3, 2010, and the Flood Insurance Rate Maps (FIRMs) panel numbers 26147C0237D, 26147C0239D, 26147C0245D, 26147C0352D, 26147C0355D, 26714C0356D, 267147C0360D, and 26714C0365D of community number 260204, City of Port Huron, St. Clair County, Michigan, and dated May 3, 2010, are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) of the Michigan Residential Code. The City also adopts the Base Flood Elevation that the Federal Emergency Management Agency has declared for the St. Clair River and Black River which is indicated on said Flood Insurance Rate Maps.

**Sec. 26-4. Interpretation.**

In the interpretation and application of this chapter, all sections shall be:

- (1) Considered as minimum requirements;

- (2) Liberally construed in favor of the city council; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(4) Interpretation of FIRM boundaries. The chief inspector shall make interpretations where needed as to the approximate location of the boundaries of the Special Flood Hazard Areas (SFHA). Where there is doubt or a dispute as to the location, the Federal Emergency Management Agency (FEMA) shall make the determination. A property owner shall request a Letter of Map Amendment (LOMA) from FEMA to determine the location of the structure or property in relationship to the SFHA boundaries.

**Sec. 26-5. Warning and disclaimer of liability.**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This section does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this chapter or any administrative decision lawfully made under this chapter.

**Sec. 26-6. Violations as municipal civil infractions.**

Any violation of this chapter shall be treated as a municipal civil infraction, unless otherwise provided in this chapter.

**Section 26-7. Repeals.**

All ordinances inconsistent with the provisions of this chapter are hereby repealed. Wherein any conflict should occur between this chapter and the State Construction Code or Federal Regulations, State Code and Federal Regulations shall take precedence.

**Section 26-8. Adoption, effective date of this chapter.**

This ordinance shall be effective after legal publication and in accordance with the provisions of the Act government the same.

ADOPTED: 02/08/10  
PUBLISHED: 02/13/10  
EFFECTIVE: 02/13/10

Adopted by consent.

\*O-2. An ordinance introduced January 25, 2010, entitled and reading as follows was given its third and final reading and enacted:

ORDINANCE NO. 1307

AN ORDINANCE TO AMEND CHAPTER 30, LAND DIVISIONS AND SUBDIVISIONS, ARTICLE II, SUBDIVISIONS, DIVISION 3. DESIGN STANDARDS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF UPDATING REFERENCES TO REGULATORY AGENCIES AND DOCUMENTS

**THE CITY OF PORT HURON ORDAINS:**

That Chapter 30, Land Divisions and Subdivisions, Article II, Subdivision, Division 3. Design Standards of the Code of Ordinances of the City of Port Huron, be amended for the purpose of updating references to regulatory agencies and documents as follows:

**CHAPTER 30  
LAND DIVISIONS AND SUBDIVISIONS  
ARTICLE II. SUBDIVISIONS  
DIVISION 3. DESIGN STANDARDS**

**Secs. 30-126. to Sec. 30-127.**

No changes.

**Sec. 30-128. Floodplain.**

If any part of a proposed subdivision lies within the floodplain of a river, stream, creek or lake, approval of the final plat shall be conditioned on the following:

(1) No buildings for residential purposes and occupancy shall be located on any portion of a lot lying within a floodplain, unless approved in accordance with the rules of the Michigan Department of Natural Resources and Environment, State of Michigan Construction Code, and Chapter 26 of this Code of Ordinances.

(2) Restrictive deed covenants shall be filed and recorded with the final plat stating that the floodplain area will be left essentially in its natural state.

(3) The natural floodplain may be altered if its original discharge capacity is preserved and the streamflow is not revised so as to affect the riparian rights of other owners. Any alteration of the floodplain is subject to approval by the Michigan Department of Natural Resources and Environment.

**Secs. 30-129. to Sec. 30-145.**

No changes.

ADOPTED: 02/08/10

PUBLISHED: 02/13/10

EFFECTIVE: 02/13/10

Adopted by consent.

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

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

Motion *rejected* by the following vote:

- No: Councilmembers Lewandowski and Moeller.
- Yes: Mayor Repp, Councilmembers Miller and Ruiz.
- Absent: Councilmembers Archibald and Fisher.

**MOTIONS & MISCELLANEOUS BUSINESS**

**1. Mayor Repp** announced the following:

The Port Huron Charter Commission will meet on February 9, 2010, at 7 p.m. in Conference Room 408 of the Municipal Office Center.

The Port Huron Charter Commission has scheduled a public hearing on February 23, 2010, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center to receive input/comments on the tentatively approved revisions to the Charter.

Census questionnaires will be mailed in the next few weeks and must be returned in April. The community's participation counts and federal funds are awarded to states and local communities based on census data received.

Condolences were mentioned to Councilmember Archibald, who was absent from the meeting, as her grandmother passed away.

A special City Council budget workshop meeting will be held on February 15, 2010, at 7:00 p.m. in Conference Room 408 of the Municipal Office.

City Councilmembers received a notice about the April MML Legislative meeting in Lansing and stated if anyone is interested in attending to contact the City Manager.

**2. Councilmember Moeller** asked that since property taxes are due on February 15, 2010, which is a national holiday and there is no mail service, is an extra day provided for them to be received on February 16. John Ogden, Finance Director, answered stating the extra day is given with no penalty assessed.

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

SUSAN M. CHILD, CMC  
City Clerk

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**Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, February 15, 2010, at 7:00 p.m. in Conference Room 408, Municipal Office Center.**

The meeting was called to order by Mayor Repp.

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

**PUBLIC AUDIENCES**

No one spoke.

**RESOLUTIONS**

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

WHEREAS, the Michigan Liquor Control Commission requires local legislative bodies to approve applications submitted by nonprofit organizations for a special license on military installations to sell alcoholic beverages; and

WHEREAS, the Waterford Aerie #2887 Fraternal Order of Eagles has requested a special one day license to sell alcoholic beverages for consumption on the premises at the Michigan Army National Guard (Port Huron Armory), 2525 Dove Street, Port Huron, Michigan, on February 20, 2010, and on April 17, 2010, during an Xtreme Cagefighting Championship event;

NOW, THEREFORE, BE IT RESOLVED that it is the consensus of the City Council that the application of Waterford Aerie #2887 Fraternal Order of Eagles for a special one day license to sell alcoholic beverages at the Michigan Army National Guard (Port Huron Armory), 2525 Dove Street, Port Huron, Michigan, on February 20, 2010, and April 17, 2010, be recommended for issuance.

Motion adopted unanimously.

**DISCUSSION ITEMS**

**1. Mayor Repp** explained that the purpose of the meeting was to give Administration and Council an opportunity to share information and ideas with regard to the upcoming budget and to ask questions of staff.

**2. John Ogden**, Director of Finance, provided a financial update on Administration's plan to cover the current year's budget deficit, the preliminary projections for next year's budget and the projected costs/revenues in Water/Wastewater funds.

Current budget deficit: John Ogden highlighted the following items:

- Revenue sharing in the General Fund was budgeted for \$3.9 million with \$3.4 million now expected. Income tax revenue was budgeted for \$6.2 million and now expected to be \$5 to \$5.5 million. The City has received grant dollars of over \$100,000.
- Expenditures are expected to be under budget for the current year; however, it may not be enough to offset the revenue

decline. Transfers from the General Fund to the Sewer Fund may be necessary.

- The City's bond rating for borrowing was downgraded from an "A+" to an "A" rating in November and this will probably add costs to future borrowings. One of the first items looked at is the general fund account and whether or not it has sufficient balances.
- Streets Fund - Revenue is down a bit, but the milder winter conditions have helped to keep expenses down.
- Water/Wastewater Funds - Cost reductions due to staff changes were planned within the budget. Current costs projected are expected to be well under budget and as a result, will help to reduce transfers from other funds.

Preliminary projections for 2010-2011 budget - John Ogden highlighted the following areas:

- Anticipated declines in property values of approximately 7.5% will be taken into account for the budget. This will cause less revenue in the street millage fund. This should, however, mean a lower tax bill for property owners. MDOT purchased a lot of property last year for the expansion of the Bridge Plaza which will cause a decline in revenue as property purchased before December 31 will not be on the tax rolls.
- State revenue sharing has statutory and constitutional provisions. The constitutional guarantees a percentage of the sales tax collected. Statutory is subject to the State's budget.
- Expenses - All union contracts have been settled with a 2% raise. Administration has reduced costs throughout the years with planned staff reductions, changes to health care plans for employees and retirees, new employee pension contributions and the elimination of retiree health care for new hires for all groups.

Projected costs/revenues in Water/Wastewater funds: John Ogden gave an overview of the projected costs and revenues in the water and wastewater fund in a PowerPoint presentation (see City Clerk File #10-13).

- The projections shown in the presentation assumed no rate increases, that usage will be relatively unchanged, that expenses are expected to be lower than current budget estimates, that new debt will be based on estimated project costs, that transfers from operations will continue and savings will be used until operating balances are reduced to minimum recommended levels.
- Once savings are depleted, there will be a revenue gap estimated to be \$7 million by 2014 and is expected to grow to \$9 million by 2018. The revenue difference is 50% to 70% and this gap is larger than any current General Fund activity (Police, Fire, General Government, Parks & Rec, and all other operations).
- A 6% annual rate increase now, which would be about \$3 per month for average users, would avoid a 50% to 60% rate increase in 2014 and would allow savings to last until revenues match expenses. Comparisons of monthly utility rates for natural gas, electricity, cable television, as well as other communities' utility rates, show the City's rates are not out of line with others.

The following are some of the responses by John Ogden in regard to individual Councilmember's questions:

- A change in the handling of solid waste has helped to reduce costs and stimulus funding and the street millage dollars have helped to fund the non-qualifying aspects of sewer separation work.
- Loan refinancing is periodically reviewed to see if it is advantageous to refinance and this has occurred three times. When the economy makes a turn, income tax revenues will be the first to realize an increase.
- The bridge plaza construction will help income tax revenues in the future, as there should be more employees who will be paying income tax. It is also anticipated that the rerouted traffic corridor will encourage more businesses to relocate to this area. Property tax values will have a slow recovery and could take 10 years to be at current levels. We are very property tax dependent and the state has not fixed the problem.
- The City will get low financing for the sewer portion of the Erie Street North project and the City is hopeful that DWRP loans will be available for the water portion, although we are not currently on the eligibility list.
- In October 2007 the rates were increased 6% with yearly future increases. Shortly thereafter the planned increases were not implemented. Therefore, the City has not increased rates since October 2007.
- The bond agency has mentioned concerns with the fact that savings rather than rate increases are being used to cover expenses.

3. **Bob Eick**, Fire Chief, and **Julie Davis**, Human Resources Director, gave an update on the goals and objectives of the organizational committee, which also includes John Ogden and Ed Brennan as members. (See City Clerk File #10-14 for a copy of the PowerPoint presentation).

- The committee's mission has been to determine the best way to match the loss of revenue with the services that the City currently provides to the residents.
- Employees are the City's biggest expense and staff reductions of 76 employees since 2002 have affected nearly every department with cost savings in the area of \$13 million. With continued staffing reductions, services may need to be reduced or eliminated.
- The major areas of cost savings have been in Police, Fire, Parks/Forestry/Cemetery, DPW/Engineering and Recreation.
- The City has already implemented many of the Governor's current proposals: Hybrid retirement plan, increased employee pension contributions, healthcare savings plan and changes to employee healthcare coverage.
- In summary, additional healthcare savings should now be realized as all employees have the same benefit level. We are cross-training employees and share staff across divisions to

generate savings. Utilize outsourcing and contracted services when it is financially beneficial.

The following are the responses by Chief Eick and Julie Davis to some of the individual questions raised by Councilmembers:

- How have the reductions affected the fire department? There has been an increase in use of mutual aid assistance and the City is looking into more regional cooperation opportunities.
- Staff reductions, cross training, combining of responsibilities have typically occurred through attrition rather than layoffs and positions are re-evaluated to determine if there is a better way to handle job responsibilities.
- Health insurance savings have been realized through increased co-pays and deductibles for employees and insurance rates are settled quarterly and are based on actual claims.

4. **Mayor Repp** gave an update on regional cooperation efforts. The Mayor, the Mayor Pro-tem and the City Manager met recently with Marysville, Kimball, Fort Gratiot and Port Huron Townships to see if there is an interest in pursuing regional opportunities. Quarterly meetings will continue to be held to keep the interest and discussions continuing.

5. The following budget ideas were submitted by individual Councilmembers and were addressed in a PowerPoint presentation by John Ogden. (See City Clerk File #10-15 for a copy of these charts.)

a. The impact of a modest increase in water rates – About \$375,000 could be raised by a 3% increase and up to \$750,000 for a 6% increase. Water and sewer rates were last increased in 2007.

b. Impact of hiring freeze – This has already been occurring.

c. Impact of a 2% salary increase for non-unionized employees and department heads - Department heads have asked to be excluded from this discussion and this would be about 69 employees, excluding the 19 in the Supervisors Union. A 2% increase would cost about \$60,000.

d. Impact of a 1% collection fee for property tax - The potential revenue from this would be between \$300,000 and \$330,000 and the collection fee could be added to tax bills. We are unable to charge other entries, except RESA, for collecting taxes; however, this fee is one way to offset costs associated with the collection of December taxes.

e. Impact of mandatory time off – must take X number of days per year - This is still being researched and conversations have been held with Corporation Counsel with respect to the unions and the collective bargaining agreements. At the moment, Administration believes this is a temporary fix and that it would be more cost effective to continue to reduce employees through attrition.

f. Impact of raising income tax deduction from \$600 to \$1,200 - Revenues would be reduced between \$200,000 to \$240,000. State law provides that income tax rates have to be a 2 to 1 ratio, that being residents are charged 1% and nonresidents ½% and would require legislation to change.

NOTE: Councilmember Moeller stated he has sent letters to Legislators to see if the percentage paid by residents and nonresidents

can be switched to be a 1 to 2 ratio instead. Responses have not been received.

The following new items by individual Councilmembers were discussed at this point:

a. Overtime policy – The City needs to change the overtime policy so that overtime is only paid if an employee actually works 40 hours and has not taken any sick or vacation days.

b. Supervisors' union – The supervisors should not receive a 2% raise unless a contract is negotiated.

c. Grandview Tower sale - The funds from the Grandview Towers sale should be used toward the debt service. John Ogden noted that the monies from the sale of Grandview Towers are included in the charts showing the savings that could be used to cover the debt service.

d. Sale of City property in the township - City-owned property in the township should be sold to eliminate the property tax expense.

NOTE: This was the first time the City Manager was made aware of this and the property has wetland issues and may have been set aside for industrial development use in the future. The City Manager will look into this issue further.

**6. Budget schedule** – The dates for the upcoming budget were discussed. The budget will be presented to the Council at the second meeting in April, with the public hearing held the first meeting in May. The Council will determine work session dates. The City Manager asked if there were any suggestions for the budget and none were given. The Mayor stated that the Manager should keep in mind that although a water rate increase is not desired, it may be warranted if there is a shortfall for this year and in future years in order for residents to not have to experience huge increases in future years.

**7. Motions and resolutions.** Councilmember Ruiz stated after the vote on the banking item at the last regular meeting, he contacted the City Clerk's office to receive clarification on the procedure as he is new on Council and the item caught him off-guard. As there is a process and procedure in place, he would like to see it followed in the future, especially since he was not sure if he should have abstained from voting as a relative works at the facility. Councilmember Moeller stated that Gary Fletcher, Corporation Counsel, told him that unless there is a personal financial gain involved, Council may vote on everything. Mayor Repp also stated that public input by the audience was also not provided as it occurred after that portion of the meeting.

On motion (9:00 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC  
City Clerk

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**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, February 22, 2010, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.**

The meeting was called to order by Mayor Repp.

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

The minutes of the regular meeting of February 8, 2010, and the special meeting of February 15, 2010, were approved.

**PUBLIC AUDIENCES**

1. Ken Harris, Wells Street, addressed the City Council and stated support for the passage of Resolution #1, which provides for the City to object to the renewal of liquor licensees delinquent in payment of taxes. He also mentioned that a County meeting was held earlier in the day with area state representatives and no one from City Council was in attendance and a similar meeting will be held May 17. He also stated opposition to House Bill No. 5345, which is similar to Resolution #5, as it could be a Pandora's Box trying to roll all public employees into one health care plan and that it could have a substantial impact on the City.

2. Darrin Rushing addressed the City Council to state concern with how the City will pay the 2013 debt given that the population in the area and City revenue is declining. He stated he would rather see minimum water rate increases rather than substantial raises. He also is not sure what other areas, such as employee benefits, could be trimmed from the budget to offset rate increases and how declining revenues will affect borrowing rates.

3. Bernard Ellery addressed the City Council and stated that higher utility rates may scare potential companies from locating here, that he is opposed to a nonprofit agency (the homeless shelter) getting money when there are pending water rate increases and that City workers should be encouraged and rewarded for their suggestions for saving the City money.

**CONSENT AGENDA**

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

**COMMUNICATIONS & PETITIONS**

\***C-1.** Letter from Kathleen Swantek, Chairperson of Blue Water Developmental Housing, Inc., requesting Safe Horizons/Pathway Shelter be included in the 2010 budget for the City of Port Huron Annual Action Plan at the 2009 amount of \$17,500.

Received and filed.

**RESOLUTIONS**

\***R-1.** WHEREAS, on January 11, 2010, the Port Huron City Council adopted a resolution setting a public hearing to give liquor licensees who were delinquent in payment of taxes, utility payments, income tax reporting/payments and/or were in violation of State or City Codes an opportunity to present witnesses, evidence and arguments regarding said delinquencies during the public hearing; and

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

WHEREAS, payment of such items and/or corrections of violations were received by all licensees except:

**Legendz**, 1631-1637 and 1641 Garfield Street, Class C/SDM  
Property taxes, \$8,767.10, plus additional penalty, if any

**Streamline Bar**, 1934 Lapeer Avenue, Class C/SDM  
Property taxes, \$2,832.56, plus additional penalty, if any

WHEREAS, on February 8, 2010, the public hearing was held concerning the above licenses;

NOW, THEREFORE, BE IT RESOLVED that the City of Port Huron wishes to object to renewal of the on-premise licensees named above and hereby directs the City Clerk to forward the following items to the Michigan Liquor Control Commission prior to March 31, 2010:

1. Certified copy of resolutions adopted January 11, 2010, and February 22, 2010, concerning aforementioned license;
2. Certified copy of notice to licensee;
3. Certified copy of notice published in the *Times Herald*.

Adopted by consent.

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

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

WHEREAS, Cintas Corporation 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:

Cintas Corporation (Macomb, MI)	\$13,720.72
Arrow Uniform (Warren, MI)	\$14,378.00
UniFirst Corporation (Pontiac, MI)	\$16,174.60
Troy Dry Cleaning (Port Huron, MI)	\$23,868.00

WHEREAS, there has been prepared an agreement between the City of Port Huron and Cintas Corporation for rental and laundering of uniforms for City personnel;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Cintas Corporation 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 #10-16).

Motion adopted unanimously.

\***R-3.** WHEREAS, through the Michigan Liquor Control Commission (LCC), nonprofit organizations can obtain special, one-day licenses for the sale and consumption of alcoholic beverages; and

WHEREAS, as part of the licensing process, written approval from the Police Chief is required on all applications to verify that the proposed licensed premises meets all local health and sanitation requirements and if held on a military installation, the local legislative body must give approval to the issuance of the license; and

WHEREAS, the Michigan Army National Guard (a/k/a Port Huron Armory) located at 2525 Dove Street, Port Huron, Michigan, is a military installation located within the City limits and the LCC does allow a local legislative body to adopt a blanket endorsement of all applications for "Special Licenses on Military Installations Only" by nonprofit organizations; and

WHEREAS, if a blanket endorsement is approved by a local legislative body, the nonprofit organization must still obtain the Police Chief's approval and they must comply with all rules and regulations of the LCC and the Department of Military Affairs;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council does hereby adopt this blanket approval for applications by nonprofit organizations to the Michigan Liquor Control Commission to obtain "Special Licenses on Military Installations Only" in order to serve, sell or consume alcoholic beverages at the Michigan Army National Guard (Port Huron Armory) located at 2525 Dove Street, Port Huron, Michigan; and

BE IT FURTHER RESOLVED that this is a continuing resolution and shall remain in effect until such time as the Port Huron City Council shall adopt a resolution rescinding all of the provisions set forth in this resolution.

Adopted by consent.

**\*R-4.** WHEREAS, the City of Port Huron owns the following described alleys:

a. *Alley 185 right-of-way in the block bound by Elmwood, Elk, Harker and Poplar Streets; adjacent to Lots 1 through 18, Block 2, Harrington's Subdivision of Lots 1 and 2 of the McNeil Subdivision of Private Claim No. 357 and No. 244; City of Port Huron, St. Clair County;*

b. *Alley 188 right-of-way in the block bound by Elmwood, Elk, Harker and Poplar Streets; adjacent to Lots 2, 3, & 4, Block 72 Subdivision of the Fort Gratiot Military Reservation and Lots 1 and 18, Block 2, Harrington's Subdivision of Lots 1 and 2 of the McNeil Subdivision of Private Claim No. 357 and No. 244; City of Port Huron, St. Clair County; and*

WHEREAS, on February 2, 2010, the City Planning Commission held a public hearing to hear comments on the proposed vacation and recommended the City Council approve the vacation (vote: 8 ayes; 0 nays; 1 absent; 0 abstained); and

WHEREAS, it is the judgment of the Port Huron City Council that the vacation would be in keeping with the City's Master Plan and in furtherance of the public interest and benefit;

NOW, THEREFORE, BE IT RESOLVED that the above-described alleys are hereby vacated without the reservation of full-width public utility easements.

Adopted by consent.

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

WHEREAS, Senator Mark C. Jansen has introduced Senate Bill No. 1046 and Senate Joint Resolution P which would create a "Publicly Funded Health Insurance Contribution Act" to require that all public employees pay a certain percentage of the overall cost of purchasing health insurance and require public employers to pay not more than 80% of the premium costs of health insurance plans; and

WHEREAS, this legislation would limit the ability of local government entities to negotiate with their employees and require automatic concessions in benefits and wages of public employees and we strongly believe that these bills are overstepping the role and authority of state government; and

WHEREAS, the City of Port Huron has negotiated contracts in good faith with our unions, which have included both concessions and increased insurance co-pays for employees; and

WHEREAS, while the City is well aware of these very difficult economic times, we do not support the state moving in the direction of further mandated concessions as this would greatly harm employee relations and our ability to provide services to our community, along with limiting the functioning role of all governing boards;

NOW, THEREFORE BE IT RESOLVED that the Port Huron City Council hereby opposes the passage of Senate Bill No. 1046 and Senate Joint Resolution P and directs the City Clerk to forward a copy of this resolution to Senator Jansen and our local legislators.

Motion adopted by the following vote:

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

**R-6. Councilmember Archibald** moved the adoption of the following resolution, seconded by Councilmember Miller:

WHEREAS, the Port Huron City Council created a Quality of Life Commission at its meeting held on September 14, 2009; and

WHEREAS, the members of the Quality of Life Commission are appointed by the City Manager with the approval of the City Council; and

WHEREAS; there is currently a vacancy on the commission for an at-large member due to the resignation of Lonnie Stevens;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and approves the City Manager's appointment of George (Sandy) Duffy, Jr. to fill a vacancy on the Quality of Life Commission for a term to expire September 28, 2012.

Motion adopted by the following vote:

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

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

WHEREAS, the City and the St. Clair County Parks and Recreation Commission support the development of recreation trails throughout the community; and

WHEREAS, Acheson Ventures funded the construction of a recreation trail from the City's border with Marysville to 10<sup>th</sup> Street at the CN railroad crossing; and

WHEREAS, the Michigan Department of Transportation (MDOT) is planning to remove the Military Street Bridge over the CN railroad tracks and install a pedestrian tunnel; and

WHEREAS, the City plans to extend the recreation trail from Marysville to the east through the proposed pedestrian tunnel under Military Street; and

WHEREAS, Acheson Ventures plans to extend this trail through their development site; and

WHEREAS, the City needs to acquire property from CN Railroad prior to applying for grant funding to finance the extension of the recreation trail to the proposed MDOT pedestrian tunnel; and

WHEREAS, the City Council at its May 11, 2009 council meeting approved a Memorandum of Understanding with the St. Clair County Parks and Recreation Commission to reimburse the City for the cost of land to extend said recreation trail;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the acquisition of the parcel for \$82,000 from CN Railroad with reimbursement from St. Clair County Parks and Recreation Commission for all costs to acquire said property. (See City Clerk File #10-16).

Motion adopted unanimously.

## MOTIONS & MISCELLANEOUS BUSINESS

### 1. Mayor Repp announced the following:

The Port Huron Charter Commission will meet on Tuesday, February 23 at 7 p.m. in Conference Room 408 of the Municipal Office Center.

Census forms will be mailed in the next few weeks. Federal funds are awarded to states and local communities based on census data received. Your participation counts so we encourage everyone to complete the form and return it as soon as possible.

The presentation related to the City Council's budget workshop of February 15 can be viewed from the City's website.

A special meeting will be scheduled in the next few weeks to discuss economic development and jobs. The City Manager's secretary will contact everyone for an available date in March to hold the meeting.

### 2. Councilmember Archibald mentioned the Community Action Agency's 20<sup>th</sup> annual Walk for Warmth event to be held on Saturday, February 27. Pledges and walkers are needed to help raise funds for low and moderate income families and seniors to assist them with paying their utility bills. The goal this year is to raise \$15,000.

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

SUSAN M. CHILD, CMC  
City Clerk

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**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, March 8, 2010, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.**

The meeting was called to order by Mayor Repp.

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

The minutes of the regular meeting of February 22, 2010, were approved.

**PRESENTATIONS**

1. Kim Harmer, Planning Director, presented the proposed Community Development Block Grant Annual Action Plan (see City Clerk File #10-18).
2. Special budget session presentation was given by Bob Eick and John Ogden (see City Clerk File #10-19).

**PUBLIC AUDIENCES**

1. Brian Moeller addressed the City Council and commented on the number of City positions eliminated as stated by administration in the presentation.
2. Anthony America addressed the City Council and stated opposition to a water rate increase.
3. Doug Hannon, Fort Gratiot Township Supervisor, addressed the City Council and stated opposition to a water rate increase.
4. Bob Lewandowski, Port Huron Township Supervisor, addressed the City Council and stated opposition to a water rate increase.
5. Mike Marks, Clyde Township Supervisor, addressed the City Council and stated opposition to a water rate increase.
6. Ken Harris, Wells Street, addressed the City Council and stated opposition to the Pathway Shelter funding and a water rate increase.
7. Mike Bodeis, Port Huron Landlord Association, addressed the City Council and stated opposition to a water rate increase.
8. A representative from Safe Horizon's addressed the City Council and expressed thanks for the City's continued CDBG funding for the Pathway Shelter.
9. Mark Byrne, Prospect Place, addressed the City Council and stated opposition to the purchase of a new aerial truck rather than a used truck and also stated opposition to a water rate increase.
10. Pam Sawyer, Riverwood Court, addressed the City Council and stated that a water rate increase may be necessary.

**COMMUNICATIONS & PETITIONS**

**C-1. Councilmember Archibald** moved, seconded by Councilmember Miller, to receive and file the following communication:

Notification from the Michigan Liquor Control Commission that they have received an application from The Pointe Pastry Shoppe, L.L.C., requesting transfer location (governmental unit) of 2009 SDM license (to sell beer and wine for consumption off the premises only) from 35438 Jefferson, Harrison Township, Michigan, Macomb County, to 324 Superior Mall, Port Huron, Michigan.

Motion adopted unanimously.

**FROM THE CITY MANAGER**

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

On February 11, 2010, the City of Port Huron received three (3) bids for an aerial truck for use by the Parks & Forestry Division:

Wolverine Truck (Dearborn, MI)	\$128,169.00
Cannon Equipment (Shelby Twp, MI)	\$130,669.00
Tri County International (Dearborn, MI)	\$138,970.00

It is recommended that the bid of Wolverine Truck, 3550 Wyoming, Dearborn, Michigan, 48120, in the amount of One Hundred Twenty-Eight Thousand One Hundred Sixty-Nine and 00/100 Dollars (\$128,169.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

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

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

On February 8, 2010, the City of Port Huron Utilities Division received a quote from a single-source supplier for a Wemco-Hidrostal submersible pump for the 10<sup>th</sup> Street pump station:

DuBois-Cooper Associates, Inc. (Plymouth, MI)	\$32,913.00
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It is recommended that the quote of DuBois-Cooper Associates, Inc., 905 Penniman Avenue, Plymouth Michigan 48170-0161 in the amount of Thirty-Two Thousand Nine Hundred Thirteen and 00/100 Dollars (\$32,913.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

## RESOLUTIONS

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

BE IT RESOLVED that the Finance Director is hereby authorized to pay the attached payments. (See City Clerk File #10-01)

Motion adopted unanimously.

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

WHEREAS, from time to time the role of a member of City Council and their particular job (profession) and/or community involvement can be construed to be in conflict; and

WHEREAS, it is important that any potential conflict be reviewed and reported publicly and any necessary further action be taken; and

WHEREAS, the City Council adopted a policy on November 27, 2000, that:

1) Required all seven (7) members of City Council elected at the November Odd-Year General Election to fill out a conflict of interest statement within thirty (30) days following the election; and

2) Required that the conflict of interest statements be reviewed and presented to City Council at the first regular meeting in the month of March following the November election; and

WHEREAS, Section 3 of Public Act 317 of 1968 (Contracts of Public Servants with Public Entities), as amended, provides that a contract in an amount of \$250.00 or more between a public servant and public entity otherwise prohibited under Section 1 may be approved by a vote at a public meeting held at least seven days after the initial disclosure of the potential conflict so long as the following information appears in the official minutes of the public body:

“(i) the name of each party involved in the contract;

(ii) the terms of the contract, including duration, financial consideration between the parties, facilities or service of the public entity included in the contract, and the nature and degree of assignment of employees of the public entity for fulfillment of the contract;

(iii) the nature of any pecuniary interest.”; and

WHEREAS, Section 8 of Public Act 317 was amended March 2, 1998, stating that “this act shall constitute the sole law in this state and shall supersede all other acts in respect to conflicts of interest relative to public contracts involving public servants other than members of the legislature and state officers.....;” therefore, the City Charter provision (Section 5a) does not apply in this case but rather Public Act 317 requiring a 2/3 affirmative vote rather than a unanimous vote by the remaining members of City Council; and

WHEREAS, the following City Councilmembers have provided information regarding business ownership, employment, ownership of property or other activities which may be, or may be perceived to be, in conflict:

**Pauline M. Repp** – Mayor Repp is retired from the City of Port Huron. She serves as a board member for the St. Clair County Child Abuse and Neglect Council and serves as the alternate City representative on the Board of Directors for the Blue Water Area Transit Commission (BWATC). The City of Port Huron approves tax levies and provides services to the BWATC. Pension benefits for City retirees are calculated based on service and compensation information determined prior to the date of the employees’ retirement and are not subject to Council action. However, the City could, from time to time, consider adjustments to other retiree benefits.

**Sherry L. Archibald** - Councilmember Archibald is employed by the Community Action Agency of St. Clair County (CAASCC) as the Director of Community Services. The City of Port Huron, the CAASCC and other community organizations have jointly participated in various housing initiatives.

**James M. Fisher** – Councilmember Fisher is employed by Home Depot as a lead designer and serves as the City representative on the Board of Directors for the Blue Water Area Transit Commission (BWATC). The City of Port Huron purchases products, primarily repair and maintenance items, from Home Depot in the ordinary course of business. The City also approves tax levies and provides services to the BWATC.

**Alan Lewandowski** – Councilmember Lewandowski is employed by the St. Clair County Intervention Academy as a teacher.

**Steven Miller** – Councilmember Miller is employed by St. Clair County as a probation officer and serves as union president for the County’s Police Officers Association of Michigan (POAM) local. The City of Port Huron also has employees who are represented by other POAM locals.

**Brian J. Moeller** – Councilmember Moeller is employed by the State of Michigan, Department of Energy, Labor and Economic Growth, Unemployment Insurance Agency as a Senior Regulation Agent. He is also employed by the St. Clair County Community College (SCCCC) as an adjunct instructor. His wife is a branch manager for Citizens First Bank. His daughter is associate corporation counsel for Citizens First Bank. Two brothers own local construction companies. The City of Port Huron is subject to Michigan unemployment law and contracts with SCCC as employee training. Further, the City of Port Huron receives banking services from Citizens First Bank. The City of Port Huron has done business with each brother’s construction companies in the past, selected through a competitive bidding process.

**Rico Ruiz** – Councilmember Ruiz is retired from the Port Huron Area School District.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby declares that it is in the best interest of the City of Port Huron to engage the services of, participate in initiatives with and, if appropriate, continue and expand similar such activities for an indefinite period with various other organizations and activities noted by Councilmembers in their conflict of interest statements, recognizing the potential appearance of a conflict.

Motion adopted unanimously.

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

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

WHEREAS, the cost for trash pickup and/or removal of ice and snow in the right-of-way shall be assessed to the property owner(s) pursuant to City ordinances, Sections 38-11, 42-17, and 40-19; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot special assessments in the total amount of \$357.28 for special trash pickup and/or removal of ice and snow in the right-of-way upon the lots and premises described in the attached special assessment report (see City Clerk File #10-20).

Motion adopted by the following vote:

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

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

WHEREAS, the City of Port Huron has prepared the Consolidated Plan for 2010-2014 and the 2010 Annual Action Plan for use of Community Development Block Grant (CDBG) and HOME funds 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 received on the proposed Consolidated Plan (2010-2014) and the 2010 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 Consolidated Plan and Annual Action Plan;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby authorizes and approves the submission of the City's Consolidated Plan for 2010-2014 and the Annual Action Plan for Program Year 2010 to the U.S. Department of Housing and Urban Development for their review and approval (see City Clerk File #10-21 and #10-22);

BE IT FURTHER RESOLVED that the City Council authorizes and approves the Community Development Director to sign all necessary sub-recipient and rehabilitation program agreements.

Motion adopted unanimously.

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for March 22, 2010, 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

Motion adopted unanimously.

**R-6. Councilmember Moeller** moved the adoption of the following resolution, seconded by Councilmember Miller:

WHEREAS, a request has been received for a special use permit to allow multi-family residential dwellings in a CBD (Central Business) zoning district at 512/514 and 516/518 Glenwood Avenue, City of Port Huron;

WHEREAS, on March 2, 2010, 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: 7 ayes; 2 nays; 0 absent; 0 abstained);

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the Zoning Administrator to issue a special approval use permit for multi-family residential dwellings in a CBD (Central Business) zoning district at 512/514 and 516/518 Glenwood Avenue, City of Port Huron.

**AT THIS POINT**, Randy Cutler, representing Citizens First who owns the building, was given the opportunity to address the City Council stating that if the special use permit was approved he believes they have a potential buyer which would allow the bank to recoup some of their money.

**Councilmember Miller** moved to postpone consideration of the resolution until the next meeting in order for Kim Harmer, Planning Director, to meet with the potential buyer and report back at the next regular meeting with an update on the viability of the necessary repair work to the building, seconded by Councilmember Archibald.

Motion to postpone *rejected* by the following vote:

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

Motion to adopt the resolution as presented *rejected* by the following vote:

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

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

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

WHEREAS, as part of the City's plan to improve efficiency and replace aging equipment, the City Council last month approved a project to replace blower and aeration equipment; and

WHEREAS, the City has received notification that the Department of Energy, Labor and Economic Growth (DELEG) has awarded to us an Energy Efficiency Conservation Block Grant in the amount of \$128,252 to assist with the financing of this energy-efficient project;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached grant agreement with the Department of Energy, Labor and Economic Growth for an Energy Efficiency Conservation Block Grant in the amount of \$128,252 and authorizes the appropriate City officials to execute this grant agreement, as well as any subsequent grant documentation, on behalf of the City (see City Clerk File #10-23); and

BE IT FURTHER RESOLVED that Robert E. Clegg, City Engineer/Director of Public Works, is hereby appointed as the project coordinator and authorized representative for all aspects of the grant agreement.

Motion adopted unanimously.

**R-8. Councilmember Moeller** moved the adoption of the following resolution he requested, seconded by Councilmember Fisher:

BE IT RESOLVED that the City Council hereby directs the City Manager to present to the City Council a budget for the 2010 - 2011 budget year that includes no water or sewer rate increases as it is important that City Council gives administration leadership and guidance in making the 2010 - 2011 budget.

Motion *rejected* by the following vote:

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

**R-9. Councilmember Lewandowski** moved the adoption of the following resolution submitted by Mayor Repp, seconded by Councilmember Miller:

BE IT RESOLVED that the City Council hereby directs the City Manager to present to the City Council a budget for 2010-2011 budget year that includes options for City Council to consider should there be a revenue shortfall with those options showing the shortfall made up by transferring monies from the general fund, or by cutting services and/or employees, or by implementing a modest water/sewer rate increase or a combination thereof; and

BE IT FURTHER RESOLVED that these options be presented to City Council in a special meeting to be held either following the regular meeting on April 12 or in a special meeting on April 19, 2010, thereby giving administration the opportunity to review all variables (including anticipated revenue from property taxes, income taxes and revenue sharing).

Motion adopted unanimously.

#### MOTIONS & MISCELLANEOUS BUSINESS

1. **Mayor Repp** announced the following:

The Port Huron Charter Commission will meet on Tuesday, March 9 at 7 p.m. in Conference Room 408 of the Municipal Office Center.

A special City Council meeting will be held on Monday, March 15 at 6:30 p.m. in Conference Room 408 of the Municipal Office Center to discuss economic development.

Census questionnaires must be returned by April 1. The community's participation counts and federal funds are awarded to states and local communities based on census data received.

The Port Huron Charter Commission will hold a public hearing on Monday, April 5, at 7 p.m. in the Public Meeting Room of the Municipal Office Center to hear comments on the proposed revisions to the Charter.

2. **Councilmember Lewandowski** mentioned that Mid-City Nutrition is having their empty soup bowl on March 25, 2010.

3. **Councilmember Fisher** mentioned that Port Huron will host the International Vintage Baseball Convention during the weekend of March 26 - 28, 2010, at the Thomas Edison Inn. He also thanked the Thomas Edison Inn and the Blue Water Area Convention & Visitors Bureau for their help with this convention.

On motion (9:00 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC  
 City Clerk

**Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, March 15, 2010, at 6:30 p.m. in Conference Room 408, Municipal Office Center.**

The meeting was called to order by Mayor Repp.

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

**The Mayor** provided the welcome and introductions to start the meeting.

**PUBLIC AUDIENCE**

No one spoke.

**MISCELLANEOUS**

**1. Economic Components** – Bruce Brown, City Manager, provided an overview of the components and stakeholders in the area of economic development, which include:

- Industrial attraction – Economic Development Alliance (EDA)
- Arts and Entertainment – City and Community Foundation
- Small Business Assistance – Chamber of Commerce
- Financial Incentives – Various agencies
- Industrial Retention – EDA and the City
- Tourism and Conventions – Blue Water Convention & Visitors Bureau
- Downtown Development – Blue Water Small Business Concierge
- Education and Training – St. Clair County Community College and Baker College
- Innovation Centers – City

**2. Downtown Development:** Scott Beedon, Blue Water Small Business Concierge, gave an overview of their program and efforts. Their emphasis has been to work with the various downtowns from Algonac to Lexington to promote the region, provide financial incentive programs and to attract, retain and expand business development opportunities. (See City Clerk File #10-24 for a copy of the presentation.)

**3. Small Business Assistance:** Vicki Ledsworth, President and CEO, Blue Water Area Chamber of Commerce, gave an overview of areas of support they provide to the business community. Their efforts include bringing area legislators and the business community together to discuss the issues, hosting business-related educational workshops, providing business counseling and a resource center and coordinating the Business Grant Program funded by the City to assist local businesses prosper and expand. The Chamber is also pursuing the expansion of joint efforts with the Sarnia Chamber of Commerce to encourage cross border initiatives. (See City Clerk File #10-25 for a copy of her presentation.)

**5. Port Huron Industrial Park/Innovation Center:** Tony Schifano, Executive Director of Industrial Development, discussed Industrial Park activities and the status of the Innovation Center. The Industrial Park is struggling with vacancies and they are enlisting the aid of real estate agencies to help promote the area through various marketing efforts and he has been working to recertify the park. The Innovation Center has five suites available, which are currently occupied by Parking Carma (a software technology company that manages parking spaces), Bob the Brailleur (assists with large print Braille and audio needs) and REOZOM.com (an alternative marketing approach for buying and selling real estate online). Future endeavors will be to seek medical, energy and defense companies to occupy the center.

**6. Tourism and Conventions:** Marci Fogal, Blue Water Convention and Visitors Bureau, detailed their recent marketing efforts with the Discover the Blue Campaign, website visual tours, USAtoday.com promotions and the new “Under the Radar Michigan” television program. Future endeavors will be to continue to put the Blue Water area on the map, promotion of overnight stays and conventions business. (See City Clerk File #10-26 for a copy of the presentation.)

**7. Economic Development Alliance:** Shaun Groden, County Administrator and President of the Economic Development Alliance of St. Clair County, stated that the EDA’s purpose and focus is being revamped and revised. Mr. Groden detailed their recent business attraction and retention efforts. He stated that county dues will increase and the fee structure for other organizations is being revised. EDA is working to determine the common goals and purpose for the area and their desire to bring businesses and various agencies together on a regular basis to work on the common framework this area needs to survive and to determine the areas for improvement to provide for a successful business community. (See City Clerk File #10-27 for a copy of his handouts.)

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

SUSAN M. CHILD, CMC  
City Clerk

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**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, March 22, 2010, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.**

The meeting was called to order by Mayor Repp.

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

Absent: Councilmember Ruiz.

The minutes of the regular meeting of March 8, 2010, and the special meeting of March 15, 2010, were approved.

**PRESENTATIONS**

1. Hilary Bridge, Chair of the Quality of Life Commission, provided an update on the Commission's progress (see City Clerk File #10-28).
2. Chief Don Porrett presented the Port Huron Police Department's Annual Report (see City Clerk File #10-29).

**PUBLIC HEARINGS**

1. **The Mayor** announced that this was the time to hear comments on the application of Domtar Industries, Inc., 1700 Washington Avenue, for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures).

Matthew Wood, Domtar's Controller, addressed the City Council and expressed thanks for previous support of exemption certificates and that approval of the current application will help the company to retain jobs here in the community.

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

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 March 22, 2010, to hear comments on the application; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the Domtar Industries, Inc., 1700 Washington Avenue, Port Huron, Michigan, application for an Industrial Facilities Exemption Certificate for six (6) years on personal property and hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the application to the State Tax Commission; and

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

All personal property: 12/31/10 to 12/30/16 (6 years)

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

Motion adopted by the following vote:

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

No: None.

Absent: Councilmember Ruiz.

**PUBLIC AUDIENCES**

1. Margaret Enright addressed the City Council and commented that she is opposed to the City rejoining the Economic Development Alliance and opposed to a water rate increase.
2. Bernard Ellery addressed the City Council and provided photos of blighted conditions at various properties.
3. Ken Harris addressed the City Council and commented on the same engineering firm being selected for CSO work, why a local firm is not selected to perform the annual audit and warmer weather will cause the police department crime statistics to increase.
4. Josh Rhody, J & R Lawn Service, addressed the City Council and commented that he would like to bid on grass cutting services for the City.
5. Michael Bacheller addressed the City Council and commented that he is in favor of switching the M-25 route from Military Street to 10<sup>th</sup> Street.

**CONSENT AGENDA**

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

Motion adopted by the following vote:

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

No: None.

Absent: Councilmember Ruiz.

**FROM THE CITY MANAGER**

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

On March 4, 2010, the City of Port Huron received four (4) unit price bids for the estimated annual consumption of 275,000 wet lbs. of sodium hydroxide for the Wastewater Treatment Plant:

K. A. Steel Chemical (Lemont, IL)	\$0.0461 per wet lb.
PVS-Nolwood Chemicals, Inc. (Detroit, MI)	\$0.0514 per wet lb.
Jones Chemicals, Inc. (Riverview, MI)	\$0.0599 per wet lb.
Alexander Chemicals (Downers Grove, IL)	\$0.0975 per wet lb.

It is recommended that the bid of K. A. Steel Chemicals, 15185 Main Street, Lemont, IL 60439, in the amount of \$0.0461 per wet lb, F.O.B., for an annual estimated amount of \$12,678.00 be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski and Miller.  
No: Councilmember Moeller  
Absent: Councilmember Ruiz.

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

On March 4, 2010, the City of Port Huron received three (3) unit price bids for 335 dry tons of aluminum sulfate for use at the Water Filtration Plant and the Wastewater Treatment Plant:

General Chemical, Inc. (Parsippany, NJ)	\$437.40 per dry ton
Alexander Chemical Corporation (Downers Grove, IL)	\$525.00 per dry ton
USALCO (Baltimore, MD)	\$586.36 per dry ton

It is recommended that the unit price bid of General Chemical, Inc., 90 East Halsey Road, Parsippany, New Jersey 07054, in the amount of \$437.40 per dry ton, F.O.B., for an annual estimated amount of \$146,529.00 be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

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

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

On March 4, 2010, the City of Port Huron received four (4) bids for estimated annual consumption of 200,000 gallons of sodium hypochlorite for use at the Water Filtration Plant and the Wastewater Treatment Plant:

Jones Chemicals, Inc. (Riverview, MI)	\$0.630 per gallon
K. A. Steel Chemical, Inc. (Lemont, IL)	\$0.687 per gallon
PVS-Nolwood Chemicals, Inc. (Detroit, MI)	\$0.790 per gallon
Alexander Chemical Corporation (Downers Grove, IL)	\$0.850 per gallon

It is recommended that the bid of Jones Chemical, Inc. 18000 Payne Avenue, Riverview, MI 48192, in the amount of \$0.630 per gallon, F.O.B., for an annual estimated amount of \$126,000.00 be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

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

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

On March 11, 2010, the City of Port Huron Utilities Division received one (1) bid for the replacement of the secondary make-up air furnaces as part of the Wastewater Treatment Plant System Improvements Phase I:

Murray Zimmer, Inc. (Marysville, MI)	\$234,900
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It is recommended that the bid of Murray Zimmer, Inc., 420 E. Huron Blvd., Marysville, Michigan 48040, in the amount of Two Hundred Thirty-Four Thousand Nine Hundred and 00/100 Dollars (\$234,900.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

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

**CM-5. Councilmember Archibald** moved the adoption of the following City Manager's recommendation, seconded by Councilmember Miller:

On March 10, 2010, the City of Port Huron received three (3) bids for the painting of MOC grating and chemical containment storage areas and thickener overflow pipe at the Wastewater Treatment Plant:

Edward J. Painting (Marysville, MI)	\$16,681.48
Somerset Painting (Washington, MI)	\$18,700.00
IPC Services, Inc. (Taylor, MI)	\$20,870.00

It is recommended that the bid of Edward J. Painting, 2900 Ravenswood Road, Marysville, Michigan 48040, in the amount of Sixteen Thousand Six Hundred Eighty-one and 48/100 Dollars (\$16,681.48) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

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

**CM-6. Councilmember Miller** moved the adoption of the following City Manager's recommendation, seconded by Councilmember Archibald:

On March 11, 2010, the City of Port Huron received seven (7) bids for the repair of five brick overhangs at the Wastewater Treatment Plant:

Laws Masonry & Restoration LLC (Fort Gratiot, MI)	\$12,700.00
DRV Contractors, LLC (Shelby Twp., MI)	\$14,625.00
National Restoration, Inc. (Keego Harbor, MI)	\$17,500.00
Tuttle's Contracting Inc. (Kimball, MI)	\$22,362.00
Mark 1 Restoration (Detroit, MI)	\$25,620.00
Larry Builte Construction (Port Huron, MI)	\$31,912.00
Ram Construction (Livonia, MI)	\$32,755.00

It is recommended that the bid of Laws Masonry & Restoration LLC, 2956 Cherry Hill, Fort Gratiot, Michigan 48059, in the amount of Twelve Thousand Seven Hundred and 00/100 Dollars (\$12,700.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

- Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski and Miller.
- No: Councilmember Moeller.
- Absent: Councilmember Ruiz.

**CM-7. Councilmember Lewandowski** moved the adoption of the following City Manager's recommendation, seconded by Councilmember Archibald:

On March 11, 2010, the City of Port Huron received one (1) unit price bid for dredging of the River Street Marina (estimated 2,350 cubic yards). Based on estimated quantities, the following is a summary of bid received:

Malcolm Marine, Inc.	\$ 82,577.50
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It is recommended that the unit price bid of Malcolm Marine, Inc., 1159 Fred Moore Highway, P.O. Box 177, St. Clair, Michigan, 48079-0177, in the estimated amount of Eighty Two Thousand Five Hundred and Seventy-Seven and 50/100 Dollars (\$82,577.50) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

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

**RESOLUTIONS**

**\*R-1.** WHEREAS, costs totaling Seven Thousand Nine Hundred Forty-Two and 70/100 Dollars (\$7,942.70) have been incurred by the City of Port Huron for demolition proceedings on the following described property LOT 12, BLOCK 3, JOHN NERN'S BEARD STREET PLAT, further described as 2312 15<sup>th</sup> Street, property no. 74-06-519-0019-000;

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

NOW, THEREFORE, BE IT RESOLVED that the amount of Seven Thousand Nine Hundred Forty-Two and 70/100 Dollars (\$7,942.70) for demolition proceedings of the structure at 2312 15<sup>th</sup> Street is hereby confirmed and declared a single lot special assessment.

Adopted by consent.

**\*R-2.** WHEREAS, costs totaling Three Thousand One Hundred Three and 70/100 Dollars (\$3,103.70) have been incurred by the City of Port Huron for demolition proceedings on the following described property LOT 9 BLOCK 3 JOHN NERN'S BEARD STREET PLAT, further described as 1433 Beard Street no. 74-06-519-0016-000;

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

NOW, THEREFORE, BE IT RESOLVED that the amount of Three Thousand One Hundred Three and 70/100 Dollars (\$3,103.70) for demolition proceedings of the structure at 1433 Beard Street is hereby confirmed and declared a single lot special assessment.

Adopted by consent.

**\*R-3.** WHEREAS, costs totaling Thirteen Thousand Two Hundred Seventy-Nine and 72/100 Dollars (\$13,279.72) have been incurred by the City of Port Huron for demolition proceedings on the following described property SOUTH 66 FEET LOT 5 AND SOUTH 66 FEET OF WEST 10 FEET LOT 6, BLOCK 4, SUBDIVISION OF THE FORT GRATIOT MILITARY RESERVATION, further described as 613/615/617/619 Glenwood Avenue, property no. 74-06-365-0028-000;

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

NOW, THEREFORE, BE IT RESOLVED that the amount of Thirteen Thousand Two Hundred Seventy-Nine and 72/100 Dollars (\$13,279.72) for demolition proceedings of the structure at 613/615/617/619 Glenwood Avenue is hereby confirmed and declared a single lot special assessment.

Adopted by consent.

**\*R-4.** WHEREAS, on February 22, 2010, the City Council, after due notice and proper hearing, adopted a resolution objecting to renewal of the following on-premise Class C/SDM license for nonpayment of taxes, utility payments and/or income tax reporting/payments:

Legendz, 1631-1637 and 1641 Garfield Street

WHEREAS, all payments have been made by Legendz;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby recommends approval of Legendz's Class C/SDM license for the 2010-11 licensing year; and

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

Adopted by consent.

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

WHEREAS, the State of Michigan, Department of State's Bureau of Elections, has announced that grant funding is available through the federal Help America Vote Act (HAVA) to purchase laptop computers for use in administering elections;

WHEREAS, the grant will provide funding for the State to purchase an Electronic Poll Book laptop and accessory package for each of the City's ten (10) precincts to automate and document certain voter verification and ballot tracking functions, as well as automate the entering of voter history in the State's Qualified Voter File after each election; and

WHEREAS, after delivery of the laptop and accessories, the City will be responsible for the maintenance of the equipment outside of warranty work, the purchase of Antivirus protection software, be required to use the laptops only for Electronic Poll Book or similar election related purposes and attend appropriate training classes;

NOW, THEREFORE BE IT RESOLVED that the City Council hereby approves the submission of the attached grant agreement with the State of Michigan, Michigan Department of State, for the purchase of ten (10) Electronic Poll Book laptop computers and accessory packages for use in administering elections and authorizes the appropriate City officials to execute the grant agreement on behalf of the City (see City Clerk File #10-30);

BE IT FURTHER RESOLVED that Susan M. Child, City Clerk, is hereby appointed as the project coordinator and authorized representative for all aspects of the grant agreement.

Motion adopted by the following vote:

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Tetra Tech MPS for the engineering coordination and administration of the Combined Sewer Overflow Control Program and the implementation of a Private Inflow and Infiltration Elimination Program and authorizes the appropriate City officials to execute the agreement (see City Clerk File #10-31).

Motion adopted by the following vote:

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

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

WHEREAS, the City and the St. Clair County Parks and Recreation Commission supports the development of recreation trails throughout the community; and

WHEREAS, the Michigan Department of Transportation (MDOT) is planning to remove the Military Street Bridge over the CN railroad tracks and install a pedestrian tunnel at an estimated cost of \$1.8 million; and

WHEREAS, the City has acquired property from CN Railroad with funds provided by the St. Clair County Parks and Recreation Commission; and

WHEREAS, MDOT requires access to the recently purchased property to facilitate the construction of the proposed pedestrian tunnel;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves a right of entry to the Michigan Department of Transportation to facilitate construction of a pedestrian tunnel. (See City Clerk File #10-32)

Motion adopted by the following vote:

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

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

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, during 2007, 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, at that time, 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; and

WHEREAS, Plante & Moran, PLLC, Certified Public Accountants, was previously selected to conduct the audit of the several funds and authorities of the City of Port Huron for three fiscal years: fiscal year 2006-07, fiscal year 2007-08 and fiscal year 2008-09; and

WHEREAS, during the last three years, Plante & Moran, PLLC, Certified Public Accountants, has demonstrated their proficiency and knowledge of governmental issues, including implementation of the audit process for ARRA (stimulus) funds; and

WHEREAS, Plante & Moran, PLLC, have prepared the attached letter dated March 2, 2010, proposing that the three year agreement dated May 29, 2007, be extended for an additional three year period, as was allowed for in the request for audit proposal, with no increase in fees for the three year period;

NOW, THEREFORE, BE IT RESOLVED THAT 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 2009-10, fiscal year 2010-11 and fiscal year 2011-12 and authorizes the appropriate and directs the proper City officials to execute the agreement. (See City Clerk File #10- 33).

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Lewandowski and Miller.  
 No: Councilmembers Fisher and Moeller.  
 Absent: Councilmember Ruiz.

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

WHEREAS, due to the proposed Blue Water Bridge Plaza expansion project, the Michigan Department of Transportation (MDOT) found it necessary to acquire a City owned vacant lot at the corner of southeast Gratiot Avenue and Elmwood Street (74-06-362-0052-000), legally described as:

*Lots 21 and 22, Block 33, Plat of Village of Fort Gratiot, City of Port Huron, St. Clair County, Michigan; and*

WHEREAS, on March 15, 2010, the MDOT agreed to purchase the property from the City for the price of \$40,000;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves and accepts the Michigan Department of Transportation's offer to purchase the vacant lot at the southeast corner of Gratiot Avenue and Elmwood Street (74-06-362-0052-000) in the amount of Forty Thousand and 00/100 Dollars (\$40,000), and authorizes the appropriate City officials to execute the necessary documents to facilitate the sale and transfer of the property on behalf of the City.

Motion adopted by the following vote:

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

NOTE: Administration was asked to contact the owner of the property next door to ask if they would be interested in purchasing the lot owned by the City.

**MOTIONS & MISCELLANEOUS BUSINESS**

**1. Mayor Repp** announced the following:

The Port Huron Charter Commission will meet on Tuesday, March 23, at 7 p.m. in Conference Room 408 of the Municipal Office Center.

The Port Huron Charter Commission has scheduled a public hearing on Monday, April 5, at 7 p.m. in the Public Meeting Room of the Municipal Office Center to hear comments on the proposed Charter revisions.

Census questionnaires have been mailed and must be returned by April 15. The community's participation counts and federal funds are awarded to states and local communities based on census data received.

The Quality of Life Commission will meet on Wednesday, March 24, at 5 p.m. in Conference Room 408 of the Municipal Office Center

**2. Councilmember Moeller** mentioned that he received a letter along with a check for \$10,000 from the Mary Stebbins Family Fund to go toward summer recreation programs.

**3. Councilmember Archibald** mentioned that the Figure Skating Ice Show will be held at McMorran Place on March 27, 2010.

4. **Councilmember Miller** mentioned an article in the newspaper stated that Detroit was suppose to start work on their sewer separation project and be done by 2015, and as of today, the work has not even begun. He also wished his wife a Happy 50<sup>th</sup> Birthday.

5. **Councilmember Fisher** mentioned that Port Huron is hosting the International Vintage Baseball Convention this weekend March 26 - 28, 2010, at the Thomas Edison Inn. He also thanked the Thomas Edison Inn and the Blue Water Area Convention & Visitors Bureau for their help with this convention. There will also be an Annual All-Star event that will be open to the public on March 26, 2010, at Pine Grove Park.

6. **Councilmember Lewandowski** mentioned that Mid-City Nutrition is having their empty soup bowl on March 25, 2010.

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

SUSAN M. CHILD, CMC  
City Clerk

**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, April 12, 2010, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.**

The meeting was called to order by Mayor Repp.

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

The minutes of the regular meeting of March 22, 2010, were approved.

**PRESENTATIONS**

- 1. Recognized Recreation Director Marian E. "Betty" Dunn, who is retiring after 32 years of service to the City.
- 2. Marci Fogal, President of the Blue Water Area Convention and Visitors Bureau, updated the Council on the "Discover the Blue" campaign (see City Clerk File #10-34)
- \*3. Recognized April 23, 2010 as Arbor Day in the City of Port Huron.

**PUBLIC AUDIENCES**

- 1. Paul Muxlow commented on running for State Representative of the 83<sup>rd</sup> District.
- 2. Janice Littlefield commented about the Rain Barrel Public Art Project, invited community leaders to a reception on May 28 at Studio 1219 and asked for the City to commit to purchasing a barrel.
- 3. Ken Harris commented on a newspaper article regarding a State proposal to charge sales tax on certain services and for City Council to keep this in mind when considering a possible water rate increase.

**CONSENT AGENDA**

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

**FROM THE CITY MANAGER**

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

On March 25, 2010, the City of Port Huron received four (4) bids for the purchase of a 20 cubic yard dewatering dumpster for the Utilities division:

Contractors Welding (Belleville, MI)	\$ 8,575.00
Thumb Welding (Burtchville, MI)	\$14,720.00
Flo-Trend Systems Inc. (Houston, TX)	\$18,180.00
Bucks Fabricating (Hadley, PA)	*

\* did not meet specifications

It is recommended that the bid of Contractors Welding, 385 Sumpter Road, Belleville, Michigan, 48112, in the amount of Eight Thousand Five Hundred Seventy-Five and 00/100 Dollars (\$8,575.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

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

On March 18, 2010, the City of Port Huron received three (3) bids for a Market Forge Sterilmatic steam pressure sterilizer for use at the Wastewater Treatment Plant:

VWR International (Batavia, IL)	\$7,391.54
Jade Scientific, Inc. (Westland, MI)	\$7,880.00
Fisher Scientific Company, LLC (Hanover Park, IL)	\$8,083.66

It is recommended that the bid of VWR International, 800 E. Fabyan Parkway, Batavia, IL 60510, in the amount of Seven Thousand Three Hundred Ninety-One and 00/100 Dollars (\$7,391.54) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

**Councilmember Lewandowski** moved to amend the City Manager's recommendation to award the bid to Jade Scientific, Inc., seconded by Councilmember Fisher.

Motion adopted by the following vote:

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

NOTE: The following vote was taken after From the City Manager #3 item, but is listed here for continuity.

Motion to adopt From the City Manager #2, as amended, adopted by the following vote:

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

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

On March 25, 2010, the City of Port Huron Department of Public Works received two (2) bids for a 15 cubic yard sewer cleaner/vactor truck with trade in or sale of the 2000 vactor:

Jack Doheny Supplies (Northville, MI)	2009 model year \$293,000.00
Jack Doheny Supplies (Northville, MI)	2010 model year \$303,000.00

The above price includes a guaranteed trade in value of \$45,000 from the vendor. The vendor has allowed the City a thirty day period to explore other options to sell the current truck so that it can be sold at the best price possible. If not sold, the vendor will provide the guaranteed trade in.

It is recommended that the bid of Jack Doheny Supplies, 777 Doheny Court, Northville, Michigan 48167, in the amount of Two Hundred Ninety-Three Thousand and 00/100 Dollars (\$293,000.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

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

### RESOLUTIONS

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

BE IT RESOLVED that the Finance Director is hereby authorized to pay the attached payments. (See City Clerk File #10-01)

Motion adopted unanimously.

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

WHEREAS, the Board of Review has completed the review, correction and certification of the 2010 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 2010 Assessment Roll is fully and finally confirmed by the City Council of the City of Port Huron. (See City Clerk File #10-35)

Motion adopted unanimously.

**R-3. Councilmember Moeller** moved the adoption of the following resolution, seconded by Councilmember Miller:

WHEREAS, the Michigan Liquor Control Commission has received a request from the McMorran Civic Center Authority to add Kinney Management Group LLC as Co-Licensee to their 2009 Class C licensed business with dance-entertainment permit located at 701 McMorran Boulevard, Port Huron, Michigan;

NOW, THEREFORE, BE IT RESOLVED that it is the consensus of the Port Huron City Council that the application be recommended for issuance by the Michigan Liquor Control Commission.

Motion adopted unanimously.

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

WHEREAS, the Michigan Liquor Control Commission has received a request from Deborah Doan to transfer ownership of escrowed 2009 Class C licensed business with 2 bars and dance-entertainment permit located at 1639 Garfield, Suite A, from MXBAR, LLC;

NOW, THEREFORE, BE IT RESOLVED that it is the consensus of the Port Huron City Council that the application be recommended for issuance by the Michigan Liquor Control Commission.

Motion adopted by the following vote:

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

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

WHEREAS, the City Manager has issued Temporary Traffic Control Order No. 1238 effective February 15, 2010, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

ELMWOOD STREET - There shall be NO PARKING on either side of Elmwood Street from Gratiot Avenue to Wright Street/Thomas Edison Parkway.

NOW, THEREFORE, BE IT RESOLVED that Traffic Control Order No. 1238 is hereby made permanent until such time as it is modified or repealed; and

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

**Councilmember Moeller** moved to postpone consideration of the resolution until the next regular meeting in order for administration to look into the possibility of allowing parking on one side of the street, seconded by Councilmember Miller.

Motion to *postpone* adopted by the following vote:

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

**\*R-6. WHEREAS**, Beautification Commission was established at the City Council meeting of December 9, 1985, and consists of 11 members; and

WHEREAS, currently the terms of two members have expired;

NOW, THEREFORE, BE IT RESOLVED that Laura Luttrell and Tami Zimmer are hereby reappointed to the Beautification Commission for three-year terms to expire January 30, 2013.

Adopted by consent.

**\*R-7.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup and/or removal of ice and snow in the right-of-way; and

WHEREAS, the cost for trash pickup and/or removal of ice and snow in the right-of-way shall be assessed to the property owner(s) pursuant to City ordinances, Sections 38-11, 42-17, and 40-19; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot special assessments in the total amount of \$427.59 for special trash pickup and/or removal of ice and snow in the right-of-way upon the lots and premises described in the attached special assessment report (see City Clerk File #10-36).

Adopted by consent.

**R-8. Councilmember Lewandowski** moved the adoption of the following resolution, seconded by Councilmember Miller:

WHEREAS, it is necessary that the contractor for the Erie Street North sewer separation project to obtain property for use as a staging area; and

WHEREAS, there is no vacant private property available near this construction area; and

WHEREAS, the City of Port Huron owns certain real property that is suitable for location of a staging area for a construction contractor; and

WHEREAS, a lease has been prepared between the City of Port Huron and Raymond Excavating Company for City owned property, as described below, for use as the staging area for contractor's work on the Erie Street North sewer separation project:

Block 8 of Butler Plat consisting of Lot No. 3 and Lot No. 4 of Butler Plat which is an area 100 foot by 100 foot in the center of the west side of said block along Michigan Street and property owned by the City along and adjacent to Fort Street and north of Glenwood Avenue, as designated in the cross-hatched areas of the property;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached lease with Raymond Excavating Company for use of City owned property during the Erie North sewer separation project and authorizes the appropriate City officials to execute said agreement. (See City Clerk File #10-37)

Motion adopted unanimously.

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

WHEREAS, a request has been received for a special approval use permit to allow a professional office building in an A-1 (Medium-Density Multiple-Family Residential) zoning district at 1712 Military Street; and

WHEREAS, on April 6, 2010, 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: 7 ayes; 0 nays; 2 absent);

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the Zoning Administrator to issue a special approval use permit for a professional office building at 1712 Military Street.

Motion adopted unanimously.

**MOTIONS & MISCELLANEOUS BUSINESS**

**1. Mayor Repp** announced the following:

Census questionnaires must be returned by April 15. The community's participation counts and federal funds are awarded to states and local communities based on census data received.

Thanks were extended to Senator Gilbert for introducing a bill that has exempted the City of Port Huron from paying for a portion of the Blue Water Bridge Project.

A special City Council meeting will be held on Monday, April 19, at 7:00 p.m. in Conference Room 408 of the Municipal Office Center to discuss the budget.

**2. Councilmember Moeller** mentioned that the Tea Party will hold an event on Thursday, April 15, along Pine Grove Avenue and he also expressed condolences for the loss of the President and First Lady of Poland.

On motion (8:20 p.m.), meeting adjourned.

Janel K. Osterland  
Assistant to the City Clerk

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**Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, April 19, 2010, at 7:00 p.m. in Conference Room 408, Municipal Office Center.**

The meeting was called to order by Mayor Repp.

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

**PUBLIC AUDIENCE**

No one spoke.

**MISCELLANEOUS ITEMS**

**1. Budget overview of the General Fund** – John Ogden provided an overview of next year’s proposed budget and detailed the various revenue and expense accounts that are projected to be reduced. (See City Clerk File #10-38).

**2. Gary Fletcher**, Corporation Counsel, provided details on three court case rulings that have been mentioned in the past that pertained to other municipal water systems (*Bolt vs. City of Lansing*, *Oneida Township vs. City of Grand Ledge* and *Novi vs. City of Detroit*). Mr. Fletcher detailed the issues in the cases and that none of the cases would be applicable if the City were to raise water rates.

**3. Budget overview for the Water and Wastewater Funds** - John Ogden provided an illustrative overview of these funds for the next fiscal year (see City Clerk File #10-39).

**4. Mike McGee**, the City’s bond attorney in the law firm Miller Canfield, Paddock and Stone, discussed the City’s bond rating and that it has been lowered from an A+ to an A rating. The new rating reflects some of the economic stresses occurring throughout the state and that this could cause increased costs for future borrowings. The City’s general fund and the water/sewer funds are both viewed by bonding agencies, as well as the governmental operations, to determine if there is fiscal management and if sufficient revenues are being generated. Transfers from the general fund to the water/sewer funds are not looked upon favorably.

**5. Water rate issue** - General discussion was held on the pros and cons of raising rates and the affect on users (City residents, commercial and industrial businesses, as well as township residents). Some of the items mentioned included offsetting an increase in water rates with a reduction in the property tax millage, requiring employees to take furlough days, contracting with County for animal control services.

**6. Budget Sessions** - Discussion was also held on the possibility of holding additional budget review sessions after May 10. No final decision was made on the holding of future meetings.

On motion (9:25 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC  
City Clerk

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**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, April 26, 2010, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.**

The meeting was called to order by Mayor Repp.

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

The minutes of the regular meeting of April 12, 2010, and the special meeting of April 19, 2010, were approved.

**PRESENTATIONS**

1. Proclamation recognizing May 8, 2010, as the National Association of Letter Carriers Food Drive Day was presented to Christine Brown, Food Drive Coordinator.
2. Proclamation recognizing May 9-15, 2010, as Police Week and May 15, 2010, as Peace Officers Memorial Day was presented to Chief Donald Porrett, Port Huron Police Department.
3. A summary of the proposed Charter revisions was presented by Laurie Sample-Wynn, Chairperson, Port Huron Charter Commission (see City Clerk File #10-40).

**PUBLIC AUDIENCES**

1. Bernard Ellery commented that township water users should be charged the full amount under the contract and then retirees, seniors and restaurants could be given an exemption.
2. Mike McCauley commented on placing his concession trailer in the Thomas Edison Park in the same location as last year. The following individuals also spoke in support of his operations: Torres Snyder, Michelle Perry, Rachael Cain, Barb & Hannah Soboleski and Ashley Lowe.
3. Margaret Enright commented in opposition to a water rate increase and that residents cannot afford an increase.
4. Ron Kaczmarczyk commented on water rates, opposition to the proposed blight ordinance and that it is unfair for businesses to impose on the citizens what can be on the river front.
5. Angela Kelley commented in support of the City Council being receptive to small and home-based businesses in the City and support for the concession trailer in the Thomas Edison Park.
6. Ken Harris commented on the proposed blight ordinance, Communication #1, the Tea Party demonstration and encouraged attendance at the May 10 budget public hearing.
7. Sharon Bender commented in opposition to the proposed blight ordinance and stated support for local businesses and the concession trailer in the Thomas Edison Park.

**CONSENT AGENDA**

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

**COMMUNICATIONS & PETITIONS**

**\*C-1.** Letter from the Blue Water Area Chamber of Commerce requesting \$25,000 for the continuation of the "For Better Business" Grant Program.

Received and filed.

**FROM THE CITY MANAGER**

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

On April 15, 2010, the City of Port Huron received five (5) bids for Municipal Office Center Garage Deck Repair Phase III:

M One Limited, Inc. (Detroit, MI)	\$437,640.00
DRV Contractors, LLC (Shelby Twp, MI)	\$467,025.00
Ram Construction Services (Livonia, MI)	\$495,710.00
Structural Preservation Systems (Trenton, MI)	\$610,676.25
D. C. Byers Company/Detroit (Detroit, MI)	\$817,275.00

It is recommended that the bid of M One Limited, Inc., 19035 W. Davison, Detroit, Michigan, 48223 in the amount of Four Hundred Thirty-Seven Thousand Six Hundred Forty and 00/100 Dollars (\$437,640.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

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

**RESOLUTIONS**

**\*R-1.** WHEREAS, costs totaling Ten Thousand Two Hundred Fifty-One and 70/100 Dollars (\$10,251.70) have been incurred by the City of Port Huron for demolition proceedings on the following described property LOT 5, BLOCK 88, PLAT OF VILLAGE OF FORT GRATIOT, further described as 2624 Stone Street, property no. 74-06-362-0394-000;

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

NOW, THEREFORE, BE IT RESOLVED that the amount of Ten Thousand Two Hundred Fifty-One and 70/100 Dollars (\$10,251.70) for demolition proceedings of the structure at 2624 Stone Street is hereby confirmed and declared a single lot special assessment.

Adopted by consent.

**\*R-2.** WHEREAS, the Capital Improvement Program for 2010-2011 through 2015-2016 (City Clerk File #10-41) has been prepared;

WHEREAS, a draft of this Capital Improvement Program was reviewed by the City's Planning Commission and they recommended approval of the plan at their April 6, 2010 meeting; and

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for Monday, May 10, 2010, at 7:00 p.m., in the Public Meeting Room, Municipal Office Center, to hear comments from interested citizens about the proposed Capital Improvement Program; and

BE IT FURTHER RESOLVED that the City Clerk is hereby instructed to have copies of this proposed Capital Improvement Program available for review by the public and to publish notice of said hearing at least one week in advance of May 10, 2010.

Adopted by consent.

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

WHEREAS, the City Manager has issued Temporary Traffic Control Order No. 1238 effective February 15, 2010, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

**ELMWOOD STREET** - There shall be NO PARKING on either side of Elmwood Street from Gratiot Avenue to Wright Street/Thomas Edison Parkway.

NOW, THEREFORE, BE IT RESOLVED that Traffic Control Order No. 1238 is hereby made permanent until such time as it is modified or repealed; and

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

Motion adopted unanimously.

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

WHEREAS, the Michigan Department of State, Bureau of Elections, announced last November that federal funding through the Help America Vote Act (HAVA) was available to assist municipalities with making improvements to improve or enhance accessibility at polling locations for voters with disabilities; and

WHEREAS, the City of Port Huron submitted an application for grant funding under this "Polling Place Accessibility Improvement Program" in the amount of \$5,166.80 to provide for various improvements at four polling locations, those being Crull, Roosevelt and Holland Woods Schools and Griswold Street Church, with improvements being made to improve handicap parking areas, sidewalk entrances and exterior doors; and

WHEREAS, the City has recently received notification that our application has been approved and 100% of the funding for all of the improvements will be reimbursed through the grant program;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron does hereby approve the attached grant agreement with the State of Michigan, Michigan Department of State, to provide 100% financial reimbursement assistance to improve voting accessibility for voters with disabilities and authorizes the appropriate City officials to execute the grant agreement on behalf of the City (see City Clerk File #10-42); and

BE IT FURTHER RESOLVED that Susan M. Child, City Clerk, is hereby appointed as the project coordinator and authorized representative for all aspects of the grant agreement.

**Councilmember Moeller** moved to amend paragraph 2 to change Griswold Street Church to be Griswold Street Baptist Church, seconded by Councilmember Miller. Motion to amend adopted unanimously.

Motion to adopt Resolution #4, as amended, adopted unanimously.

**\*R-5.** WHEREAS, ALD Thermal Treatment, Inc., 2626 - 24<sup>th</sup> 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 May 10, 2010, in order to hear comments on the application of ALD Thermal Treatment, Inc., for an Industrial Facilities Exemption Certificate; and

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

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

Adopted by consent.

**\*R-6.** WHEREAS, ALD Thermal Treatment, Inc., 2656 - 24<sup>th</sup> 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 May 10, 2010, in order to hear comments on the application of ALD Thermal Treatment, Inc., for an Industrial Facilities Exemption Certificate; and

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

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

Adopted by consent.

**\*R-7.** WHEREAS, ITW Superb Products, 2101 Cypress 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 May 10, 2010, in order to hear comments on the application of ITW Superb Products for an Industrial Facilities Exemption Certificate; and

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

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

Adopted by consent.

**\*R-8.** WHEREAS, GMA Cover Corp., 2440 - 20<sup>th</sup> 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 May 10, 2010, in order to hear comments on the application of GMA Cover Corp. for an Industrial Facilities Exemption Certificate; and

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

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

Adopted by consent.

**\*R-9.** WHEREAS, GMA Cover Corp., 2401 - 16<sup>th</sup> 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 May 10, 2010, in order to hear comments on the application of GMA Cover Corp. for an Industrial Facilities Exemption Certificate; and

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

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

Adopted by consent.

**\*R-10.** WHEREAS, SMW Automotive, 2347 Dove Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for May 10, 2010, in order to hear comments on the application of SMW Automotive for an Industrial Facilities Exemption Certificate; and

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

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

Adopted by consent.

**\*R-11.** WHEREAS, SMW Automotive, 3150 Dove Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for May 10, 2010, in order to hear comments on the application of SMW Automotive for an Industrial Facilities Exemption Certificate; and

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

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

Adopted by consent.

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

WHEREAS, the City of Port Huron owns a vacant parcel of land located at the southwest corner of Elmwood and Forest Streets (Parcel #: 74-06-362-0051-000); and

WHEREAS, it was determined the 25' x 100' lot is not a buildable lot that is needed by the City and the adjacent property owner was given the opportunity to purchase the property; and

WHEREAS, Francis H. Grebenok has offered to purchase the vacant lot for \$750.00 to be combined with her existing property at 2331 Forest Street;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the sale of the City-owned vacant lot located at the southwest corner of Elmwood and Forest Streets (Parcel # 74-06-362-0051-000), for \$750.00 to be conveyed by a Quit Claim Deed to Francis H. Grebenok, contingent upon Ms. Grebenok being current in her obligations to the City concerning any special assessments and/or property taxes.

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

Motion adopted unanimously.

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

WHEREAS, the United States Department of Housing and Urban Development (HUD) allocated \$82,890 in FY 2008 and FY 2009 in HOME funding to the City of Port Huron for use in developing affordable housing for moderate income persons in the city; and

WHEREAS, a condition of receipt of funds is that at least 15% of the annual allocation be set aside for eligible Community Housing Development Organization (CHDO) housing projects; and

WHEREAS, the property at 1015 Garfield Street is for sale and is in of a condition that makes it ideal for rehabilitation by a CHDO; and

WHEREAS, the City proposes to purchase the property at 1015 Garfield Street (contingent upon meeting all applicable regulations and execution of contract agreements) which would then be transferred to a qualified CHDO for a complete energy efficiency rehabilitation of the property and subsequent re-sale to a qualified purchaser; and

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City to purchase the property at 1015 Garfield Street using FY 2008 and FY 2009 HOME CHDO funds in the amount of Twenty-five Thousand and 00/100 Dollars (\$25,000), and authorizes transfer of said property and resources to a qualified Community Housing Development Organization for a complete energy efficiency rehabilitation and subsequent re-sale to a qualified purchaser.

BE IT FURTHER RESOLVED that the City Council authorizes and approves the appropriate City officials to execute any necessary documentation relative to the purchase of the property, transfer to a qualified CHDO, and re-sale to a qualified purchaser.

Motion adopted unanimously.

**\*R-14.** WHEREAS, the tentative budget for 2010-2011 (City Clerk File #10-43) has been prepared;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for Monday, May 10, 2010, at 7:00 p.m. in the Public Meeting Room, Municipal Office Center, to hear comments from interested citizens about the proposed budget; and

BE IT FURTHER RESOLVED that the City Clerk is hereby instructed to have copies of this proposed budget available for review by the public and to publish notice of said hearing at least one week in advance of May 10, 2010.

Adopted by consent.

\*R-15. WHEREAS, Act 197 of 1975, the Downtown Development Authority Act, authorizes the City of Port Huron Downtown Development Authority to levy up to a 1.9874 mill ad valorem tax on the taxable value of all real and personal property within the district boundaries; and

WHEREAS, the City of Port Huron Development Authority will receive a tentative budget for the 2010-2011 fiscal year in the amount of \$2,327,000 based upon anticipated revenues of a 1.9874 mill levy on the taxable value of real and personal property within the Downtown Development District and captured taxes from Tax Increment Financing within the Downtown Development District; and

WHEREAS, both the 1.9874 mill ad valorem tax levy and the budget for the 2010-2011 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 File #10-44) be received for further review by the City Council and that a public hearing thereon be held May 10, 2010.

Received and filed and public hearing scheduled.

**ORDINANCES**

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

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAP, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTIES LOCATED AT 1912, 1908, AND 1904 - 24TH STREET, FROM A C-1 (GENERAL BUSINESS) ZONING DISTRICT TO AN R-1 (SINGLE- AND TWO-FAMILY RESIDENTIAL) ZONING DISTRICT.

Motion adopted unanimously.

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

AN ORDINANCE TO AMEND CHAPTER 22, ENVIRONMENT, ARTICLE II, BLIGHT, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF UPDATING CAUSES OF BLIGHT OR BLIGHTING FACTORS AND REQUIREMENTS FOR BUILDINGS IN COMMERCIAL AREAS.

Motion adopted by the following vote:

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

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

AN ORDINANCE TO AMEND CHAPTER 10, BUILDINGS AND BUILDING REGULATIONS, ARTICLE II, SINGLE STATE CONSTRUCTION CODE, ARTICLE IV, PROPERTY MAINTENANCE CODE, AND ARTICLE VI, DANGEROUS STRUCTURES, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF REFERENCING THE PROPERTY MAINTENANCE CODE AS PART OF THE MICHIGAN BUILDING CODE IN ARTICLE II AND DELETING AS ARTICLE IV; ADDING NEW ARTICLE IV, TRANSFER OF OWNERSHIP; PROVIDING LANGUAGE IN ARTICLE VI, DANGEROUS STRUCTURES FOR RECOVERING THE COSTS OF ABATING DANGEROUS STRUCTURES; AND ADDING NEW ARTICLE VII. FORECLOSURE PROPERTY REGISTRATION.

Motion adopted unanimously.

**MOTIONS & MISCELLANEOUS BUSINESS**

**1. Mayor Repp** announced the following:

The Port Huron Charter Commission will meet on April 27 at 7 p.m. in Conference Room 408 of the Municipal Office Center.

Condolences expressed on behalf of the City Council to Sue Child, City Clerk, on the death of a family member.

National Day of Prayer events will be held on May 6 at McMorran and the Municipal Office Center.

On motion (9:01 p.m.), meeting adjourned.

JANEL K. OSTERLAND  
Assistant to the City Clerk

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**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, May 10, 2010, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.**

The meeting was called to order by Mayor Repp.

Present: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski (arrived at 10:05 p.m.), Miller, Moeller and Ruiz.

The minutes of the regular meeting of April 26, 2010, were approved.

**PRESENTATIONS**

1. A Certificate of Appreciation was presented to the Blue Water Garden Club on the occasion of its 30<sup>th</sup> birthday.
2. Proclamation recognizing May 22 - 23, 2010, as Relay for Life Days was presented to Tammy Hutchinson, Jessica Surman and Judi Kuschel on behalf of the American Cancer Society.
3. Shaun Groden, President of the Economic Development Alliance, presented the EDA's restructuring plan. (See City Clerk File #10-45)
4. Kim Harmer, Planning Director, presented the "Pride in Port Huron" neighborhood improvement programs. (See City Clerk File #10-46)
5. Andrew Hearn, Marinescape, gave a presentation on the proposed aquarium project. (See City Clerk File #10-47)

**PUBLIC HEARINGS**

**1&2. The Mayor** announced that this was the time to hear comments on the application of ALD Thermal Treatment, Inc., for Industrial Facilities Exemption Certificates for facilities expansion at 2626-24<sup>th</sup> Street and 2656-24<sup>th</sup> Street.

Rene Stephan, representing the Economic Development Alliance, and Robert Peters, Vice President of ALD Thermal Treatment, provided an overview of the company's history and future expansion plans.

Anthony America, Port Huron, commented on his opposition to tax abatements.

**The Mayor** declared the hearing closed and **Councilmember Fisher** moved the adoption of the following two public hearing resolutions (PH-1 and PH-2), seconded by Councilmember Miller:

**PH-1.** WHEREAS, ALD Thermal Treatment, Inc., 2626 - 24<sup>th</sup> 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 May 10, 2010, to hear comments on the application; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the ALD Thermal Treatment, Inc., 2626 - 24<sup>th</sup> Street, Port Huron, Michigan, application for an Industrial Facilities Exemption Certificate for twelve (12) years on personal property and twelve (12) years on real property and hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the application to the State Tax Commission; and

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

All personal property: 12/31/10 to 12/30/22 (12 years)  
All real property: 12/31/10 to 12/30/22 (12 years)

BE IT FURTHER RESOLVED that the City of Port Huron does find that the granting of the Industrial Facilities Exemption Certificate (considered together with the aggregate amount of Industrial Facilities Exemption Certificates previously granted and currently in force) shall not have the effect of substantially impeding the operation of the City of Port Huron or impairing the financial soundness of any taxing unit levying an ad valorem property tax on the property upon which the facility known as ALD Thermal Treatment, Inc., is located.

**PH-2.** WHEREAS, ALD Thermal Treatment, Inc., 2656 - 24<sup>th</sup> 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 May 10, 2010, to hear comments on the application; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the ALD Thermal Treatment, Inc., 2656 - 24<sup>th</sup> Street, Port Huron, Michigan, application for an Industrial Facilities Exemption Certificate for twelve (12) years on personal property and twelve (12) years on real property and hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the application to the State Tax Commission; and

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

All personal property: 12/31/10 to 12/30/22 (12 years)  
All real property: 12/31/10 to 12/30/22 (12 years)

BE IT FURTHER RESOLVED that the City of Port Huron does find that the granting of the Industrial Facilities Exemption Certificate (considered together with the aggregate amount of Industrial Facilities Exemption Certificates previously granted and currently in force) shall not have the effect of substantially impeding the operation of the City of Port Huron or impairing the financial soundness of any taxing unit levying an ad valorem property tax on the property upon which the facility known as ALD Thermal Treatment, Inc., is located.

Public Hearing Resolutions 1 and 2 were adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Miller and Ruiz.  
No: Councilmember Moeller.  
Absent: Councilmember Lewandowski.

**3. The Mayor** announced that this was the time to hear comments on the application of ITW Superb Products for an Industrial Facilities Exemption Certificate for facility expansion at 2101 Cypress Street.

Anthony America, Port Huron, commented on his opposition to tax abatements.

Rene Stephan, representing the Economic Development Alliance, and Robert Murawski, Business Unit Manager of ITW Superb Products, provided an overview of the company's history and future expansion plans.

Dick Cummings, Avoca, commented in support of ITW and that they have been good corporate citizens and great sponsors of the United Way campaign.

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

WHEREAS, ITW Superb Products, 2101 Cypress 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 May 10, 2010, 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 ITW Superb Products, 2101 Cypress Street, Port Huron, Michigan, application for an Industrial Facilities Exemption Certificate for six (6) years on personal property and twelve (12) years on real property and hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the application to the State Tax Commission; and

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

All personal property: 12/31/10 to 12/30/16 (6 years)  
All real property: 12/31/10 to 12/30/22 (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 ITW Superb Products is located.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Miller and Ruiz.  
No: Councilmember Moeller.  
Absent: Councilmember Lewandowski.

**4&5. The Mayor** announced that this was the time to hear comments on the application of GMA Cover Corp. for Industrial Facilities Exemption Certificates for facilities expansion at 2440-20<sup>th</sup> Street and 2401 - 16<sup>th</sup> Street.

Anthony America, Port Huron, commented on his opposition to tax abatements.

Rene Stephan, representing the Economic Development Alliance, and Walter Hill, CEO, and Don Eagle, from GMA Cover, provided an overview of the company's history and future expansion plans.

**The Mayor** declared the hearing closed and **Councilmember Miller** moved the adoption of the following two public hearing resolutions (PH-4 and PH-5), seconded by Councilmember Archibald:

**PH-4.** WHEREAS, GMA Cover Corp., 2440 - 20<sup>th</sup> Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

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

WHEREAS, the Port Huron City Council held a public hearing on May 10, 2010, 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 Corp., 2440 - 20<sup>th</sup> Street, Port Huron, Michigan, application for an Industrial Facilities Exemption Certificate for six (6) years on personal property and hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the application to the State Tax Commission; and

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

All personal property: 12/31/10 to 12/30/16 (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 Corp. is located.

**PH-5.** WHEREAS, GMA Cover Corp., 2401 - 16<sup>th</sup> Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

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

WHEREAS, the Port Huron City Council held a public hearing on May 10, 2010, 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 Corp., 2401 - 16<sup>th</sup> Street, Port Huron, Michigan, application for an Industrial Facilities Exemption Certificate for six (6) years on personal property and hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the application to the State Tax Commission; and

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

All personal property: 12/31/10 to 12/30/16 (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 Corp. is located.

Public Hearing Resolutions 4 and 5 were adopted by the following vote:

- Yes: Mayor Repp; Councilmembers Archibald, Fisher, Miller and Ruiz.
- No: Councilmember Moeller.
- Absent: Councilmember Lewandowski.

**6&7.** The Mayor announced that this was the time to hear comments on the application of SMW Automotive for Industrial Facilities Exemption Certificates for facilities expansion at 2347 Dove Street and 3150 Dove Street.

Anthony America, Port Huron, commented on his opposition to tax abatements.

Richard Brower, North Allen Road, commented on tax abatements for other businesses.

Rene Stephan, representing the Economic Development Alliance and SMW, provided an overview of the company's history and future business plans.

The Mayor declared the hearing closed and Councilmember Fisher moved the adoption of the following two public hearing resolutions (PH-6 and PH-7), seconded by Councilmember Miller:

**PH-6.** WHEREAS, SMW Automotive, 2347 Dove Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

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

WHEREAS, the Port Huron City Council held a public hearing on May 10, 2010, to hear comments on the application; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the SMW Automotive, 2347 Dove Street, Port Huron, Michigan, application for an Industrial Facilities Exemption Certificate for six (6) years on personal property and hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the application to the State Tax Commission; and

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

All personal property: 12/31/10 to 12/30/16 (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.

**PH-7.** WHEREAS, SMW Automotive, 3150 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 May 10, 2010, 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, 3150 Dove Street, Port Huron, Michigan, application for an Industrial Facilities Exemption Certificate for six (6) years on personal property and hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the application to the State Tax Commission; and

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

All personal property: 12/31/10 to 12/30/16 (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.

Public Hearing Resolutions 6 and 7 were adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Miller and Ruiz.  
No: Councilmember Moeller.  
Absent: Councilmember Lewandowski.

**8. The Mayor** announced that this was the time to hear comments on the tentative budget for the Port Huron Downtown Development Authority for the 2010-2011 fiscal year. No one appeared to be heard. **The Mayor** declared the hearing closed.

**9. The Mayor** announced that this was the time to hear comments on the proposed 2010-2011 through 2015-2016 Capital Improvement Program. Ken Harris, Wells Street, commented that only mandated projects should be completed during these difficult times. **The Mayor** declared the hearing closed.

**10. The Mayor** announced that this was the time to hear comments on the proposed 2010-2011 City budget. The following individuals made comments:

Stuart Brown, Stone Street, sent an e-mail message that stated in view of the economic challenges already weighing upon City residents that the elected officials should not pass a budget with a water rate increase or any other increase of taxes and/or fees.

Mark Pearson, Richardson Street, commented that the sewer separation forced upon the City was unconstitutional and it was another example of an unfunded mandated by Congress.

Darlene Peterson, Riverside Drive, commented on combining various businesses (EDA, Chamber, downtown group, Convention Visitors Bureau) into one organization, using SC4 students for the aquarium study and that EDA funding should be based on performance

Bernard Ellery, Port Huron, commented on the EDA funding.

Richard Brower, North Allen Road, commented on the EDA funding.

Jean Webb, Military Street, commented on employee raises, health care, cutting services, layoff of employees, volunteer fire department, opposition to a water rate increase and more residences are needed on the waterfront rather than businesses.

Mark Byrne, Prospect Place, commented that he opposes the water rate increase.

Colleen Smith, 16<sup>th</sup> Street, commented on the EDA funding and the aquarium study.

Margaret Enright, Port Huron, commented on the aquarium proposal and opposes the EDA funding.

Ken Harris, Port Huron, commented that departments should review their services to see what can be eliminated.

Lonnie Stevens, Military Street, commented against a water rate increase and to look into a volunteer fire department, combining the police and fire departments and freezing wages with the unions.

John Hillis, Port Huron Township, commented that he opposes a water rate increase.

Maria Webb, Sanborn Street, commented that she opposes a water rate increase.

Pam Sawyer expressed thanks to John Ogden and Bob Clegg for explaining the budget to her, praised Shaun Groden for his enthusiasm and commented on the water/sewer projects.

**The Mayor** declared the hearing closed.

AT THIS POINT (9:25 p.m.), Council recessed until 9:30 p.m.

## PUBLIC AUDIENCES

**1.** Mark Byrne, Prospect Place, commented about the recently installed Pine Grove Park ballfield fencing, the purchase price for 209 Glenwood Avenue is too high and that businesses are being driven away from doing business in the City.

**2.** Anthony America, Port Huron, commented on keeping a full-time fire department, the fixing of the MOC parking structure and the Thomas Edison Park vendor.

**3-6.** The following individuals commented on the aquarium project: Ken Harris, Darlene Peterson, Bernard Ellery and Alice O'Neil.

7. Margaret Enright commented on the Water Street marina property and that development has not occurred.

8. Mike McCauley, Just In Time Concessions and Freighter Fries, asked for reconsideration of his vending location in Thomas Edison Park.

9. Mark Pearson, Port Huron, commented about the unfunded sewer separation projects.

10. Sandra Hebner commented that she is unhappy with the happenings in the area.

11. Darlene Peterson, Riverside Drive, commented that the sewer separation projects are increasing due to higher petroleum costs.

**CONSENT AGENDA**

**Councilmember Moeller** moved to adopt the Consent Agenda items, seconded by Councilmember Miller (items are indicated with an asterisk).

Motion adopted by the following vote:

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

**FROM THE CITY MANAGER**

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

On April 21, 2010, the City of Port Huron Utilities Division received two (2) bids for the purchase of three primary sludge pumps (Division A) and two primary scum pumps (Division B) as part of the Wastewater Treatment Plant System Improvements Phase II:

	<u>Division A</u>	<u>Division B</u>
JGM Valve Corporation (Commerce, MI)	\$29,997.00	\$17,998.00
Kerr Pump & Supply (Oak Park, MI)	*	\$31,536.00

\* Did not meet specifications

It is recommended that the bid of JGM Valve Corporation, 1155 Welch Road, Suite D, Commerce, Michigan 48390, in the amount of Forty-Seven Thousand Nine Hundred Ninety-Five and 00/100 Dollars (\$47,995.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

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

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

On April 21, 2010, the City of Port Huron Utilities Division received two (2) bids for the Water Filtration Plant Automation Control Upgrade Phase II:

Wade Trim Operations & Services, Inc. (Taylor, MI)	\$112,421.00
Rotor Electric Company (Detroit, MI)	\$116,600.00

It is recommended that the bid of Wade Trim Operations & Services, Inc., P. O. Box 10, Taylor, Michigan 48180, in the amount of One Hundred Twelve Thousand Four Hundred Twenty-One and 00/100 Dollars (\$112,421.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

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

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

On April 22, 2010, the City of Port Huron received three (3) unit price bids for City pavement striping. Based on estimated annual quantities, the following is a comparative summary of the bids received:

R. S. Contracting (Casco, MI)	\$ 7,521.45
Michigan Pavement Markings (Wyoming, MI)	\$ 7,766.65
Clark Highway Services (Lake City, MI)	\$ 8,677.89

It is recommended that the unit price bid of R. S. Contracting, 9276 Marine City Highway, Casco, Michigan 48064, in the estimated amount of Seven Thousand Five Hundred Twenty-One and 45/100 Dollars (\$7,521.45) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

- Yes: Mayor Repp; Councilmembers Archibald, Fisher, Miller and Ruiz.
- No: Councilmember Moeller.
- Absent: Councilmember Lewandowski.

**\*CM-4.** In accordance with Section 55 of the City Charter, there is submitted herewith a Quarterly Financial Report of the City of Port Huron for the nine month period ending March 31, 2010. (See City Clerk File # 10-48).

Adopted by consent.

### FROM THE PLANNING COMMISSION

**\*PC-1.** The City Planning Commission received a request from the Detroit Edison Company (DTE) for a special use permit to allow an unmanned electrical substation within an R-1 (Single- and Two-Family Residential) zoning district on property located at the northwest corner of Harker and Elk Streets. On May 4, 2010, the City Planning Commission held a public hearing on the request and at that time one property owner spoke concerning issues of noise and potential cancer risks. Discussion at the Planning Commission meeting included the location of the substation.

It is, therefore, the recommendation of the Planning Commission (3 ayes; 5 nays; 1 absent) that the special use permit for an unmanned electrical substation at the northwest corner of Harker and Elk Streets not be approved.

Received and filed.

### COMMUNICATIONS & PETITIONS

**\*C-1.** Appeal from the property owner on the Planning Commission's decision regarding the issuance of a special use permit for the relocation of an unmanned electrical substation and approving the request to allow MDOT and DTE to make a presentation at the May 24, 2010, for Council consideration.

Received and filed and request granted.

### RESOLUTIONS

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

BE IT RESOLVED that the Finance Director is hereby authorized to pay the attached payments. (See City Clerk File #10-01)

Motion adopted by the following vote:

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

**\*R-2.** WHEREAS, the City Manager has issued Temporary Traffic Control Order No. 1239 effective March 17, 2010, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

ASPEN DRIVE - Aspen Drive shall YIELD to Oak Hills Circle

NOW, THEREFORE, BE IT RESOLVED that Traffic Control Order No. 1239 is hereby made permanent until such time as it is modified or repealed; and

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

Adopted by consent.

**\*R-3.** WHEREAS, the City Manager has issued Temporary Traffic Control Order No. 1240 effective March 17, 2010, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

TAMARACK DRIVE - Tamarack Drive shall YIELD to Jack Pine Lane

NOW, THEREFORE, BE IT RESOLVED that Traffic Control Order No. 1240 is hereby made permanent until such time as it is modified or repealed; and

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

Adopted by consent.

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

WHEREAS, the City of Port Huron operates the Court Street Pool located at 2025 Court Street; and

WHEREAS, the City of Marysville desires to rent the pool for their six (6) week summer swimming program which runs from June 21 - July 29, 2010; and

WHEREAS, the City of Marysville has agreed to pay \$3,510.00 for the use of the pool;

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby approve the attached rental agreement with the City of Marysville to rent the Court Street Pool for their summer swimming program from June 21 - July 29, 2010, for the sum of \$3,510.00 and authorizes the appropriate City officials to execute the agreement on behalf of the City (see City Clerk File #10-49).

Motion adopted by the following vote:

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

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

WHEREAS, the cost for trash pickup and/or removal of ice and snow in the right-of-way shall be assessed to the property owner(s) pursuant to City ordinances, Sections 38-11, 42-17, and 40-19; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot special assessments in the total amount of \$304.84 for special trash pickup and/or removal of ice and snow in the right-of-way upon the lots and premises described in the attached special assessment report (see City Clerk File #10-50).

Adopted by consent.

AT THIS POINT (10:05 p.m.), Councilmember Lewandowski arrived.

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

WHEREAS, it is the desire of the City Council to increase tourism and entertainment within the City; and

WHEREAS, Marinescape Ecoaquariums has expressed interest in opening an aquarium in Port Huron and wishes to move forward with a concept design, feasibility and preliminary estimate for an aquarium in Port Huron; and

WHEREAS, the attached agreement provides Marinescape Projects Limited One Hundred Thousand Dollars (\$100,000.00) to undertake these tasks,

NOW, THEREFORE, BE IT RESOLVED that the City of Port Huron hereby approves the attached agreement with Marinescape Projects Limited and authorizes the appropriate City officials to execute the agreement. (See City Clerk File #10-51)

Motion adopted by the following vote:

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

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

WHEREAS, it is the desire of the City Council to increase tourism and entertainment within the City of Port Huron; and

WHEREAS, Marinescape Projects Limited has expressed an interest in developing an aquarium in Port Huron in the area of the former site of the YMCA; and

WHEREAS, in order for the project to proceed, it is in the best interest of the City of Port Huron to enter into an option for purchase of real estate for the YMCA property;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council does hereby approve the attached Option for Purchase of Real Estate for the former YMCA property. (See City Clerk File #10-56)

Motion adopted unanimously.

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

WHEREAS, it is the desire of the City Council to increase residential development; and

WHEREAS, in order to acquire sufficient property for this purpose, it is in the best interest of the City of Port Huron to purchase 209 Glenwood Avenue; and

WHEREAS, a purchase agreement in the amount of \$149,900.00 has been prepared for the purchase of 209 Glenwood Avenue;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council does hereby approve the attached purchase agreement for 209 Glenwood Avenue for One Hundred Forty-Nine Thousand, Nine Hundred Dollars (\$149,900.00) for future development. (See City Clerk File #10-57)

Motion adopted by the following vote:

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

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

WHEREAS, the use of medical marijuana for a debilitating medical condition is presently governed in Michigan pursuant to MCL 333.26423 and rules, if any, to be issued by the State Department of Community Health under MCL 333.26425; and

WHEREAS, the Michigan Department of Community Health has issued a pronouncement that the current law does not authorize dispensaries for marijuana; and

WHEREAS, the question of whether local units of government are required to provide for properties zoned for the dispensing or distribution of marijuana remains an issue of discussion and debate; and

WHEREAS, the City is desirous of providing for an informed deliberative process in order to determine the issue of whether within the City dispensing and distribution, if any, should occur and whether other regulatory controls should be implemented;

NOW, THEREFORE, BE IT RESOLVED that a moratorium prohibiting the establishment of any business or premises for the distribution or dispensation of marijuana, other than use by the person occupying the premises as a resident who has a debilitating medical condition allowing the use of marijuana as allowed pursuant to state law, is hereby adopted, effective immediately upon the adoption of this resolution; and

BE IT FURTHER RESOLVED that this resolution does not restrict a licensed physician from prescribing marijuana compliant with state law; and

BE IT FURTHER RESOLVED that any and all resolutions in conflict herewith are repealed only to the extent necessary to give full force and effect to the foregoing provisions.

**Councilmember Moeller** moved to postpone consideration of the resolution until the next regular meeting of May 24, 2010, seconded by Councilmember Miller. Motion to *postpone* adopted unanimously.

**\*R-10.** WHEREAS, the City Council has received and considered the attached Preliminary Code Enforcement Report for Code Case #10-001, 2017 – 10th Street (Parcel # 74-06-225-0005-000), (see City Clerk File #10-52) from the City's Building Official relating to the following described property and premises within the City of Port Huron, County of St. Clair, State of Michigan:

*Lot 4, Block 1, Avery's Tenth Street Plat; and*

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

WHEREAS, the City Council believes it is warranted in conducting a public hearing and investigation pursuant to such provisions of Chapter 10 and Chapter 40 of said Code for the purpose of ascertaining and determining for itself whether such condition or conditions exist;

NOW, THEREFORE, BE IT RESOLVED that:

1. The City Council of the City of Port Huron shall conduct a public hearing on June 14, 2010, at 7:00 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, 100 McMorran Boulevard, for the purposes and according to the procedures referred to above; and

2. The City Clerk shall:

(a) Notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's record, at least ten (10) days in advance of the date herein set for such hearing and investigation. The notice shall state that the interested parties will be given the opportunity to state their case for or against bringing this property up to code or demolition of this property, at the time of the public hearing.

(b) Cause a notice to be published in the Times Herald newspaper at least ten (10) days in advance of said hearing. The notice herein required shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Chapter 10, Section 10-211, and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron.

(c) Provide for the recording of such hearings.

Adopted by consent.

**\*R-11.** WHEREAS, the City Council has received and considered the attached Preliminary Code Enforcement Report for Code Case #10-003, 2722 Gratiot Avenue, (see City Clerk File #10-53) 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 three-tenths of a foot of Lot 9, 10, and south three feet of Lot 11, Block 37, Plat of Village of Fort Gratiot;*  
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 June 14, 2010, at 7:00 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, 100 McMorran Boulevard, for the purposes and according to the procedures referred to above; and

2. The City Clerk shall:

(a) Notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's record, at least ten (10) days in advance of the date herein set for such hearing and investigation. The notice shall state that the interested parties will be given the opportunity to state their case for or against bringing this property up to code or demolition of this property, at the time of the public hearing.

(b) Cause a notice to be published in the Times Herald newspaper at least ten (10) days in advance of said hearing. The notice herein required shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Chapter 10, Section 10-211, and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron.

(c) Provide for the recording of such hearings.

Adopted by consent.

**\*R-12.** WHEREAS, the City Council has received and considered the attached Preliminary Code Enforcement Report for Code Case #10-005, 1531 Oak Street, (see City Clerk File #10-54) 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:

*West one-half of Lot 11 and that part of Lot 13 lying north of Lot 11, Block A, Victoria Petit Plat;* and

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

WHEREAS, the City Council believes it is warranted in conducting a public hearing and investigation pursuant to such provisions of Chapter 10 and Chapter 40 of said Code for the purpose of ascertaining and determining for itself whether such condition or conditions exist;

NOW, THEREFORE, BE IT RESOLVED that:

1. The City Council of the City of Port Huron shall conduct a public hearing on June 14, 2010, at 7:00 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, 100 McMorrان Boulevard, for the purposes and according to the procedures referred to above; and

2. The City Clerk shall:

(a) Notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's record, at least ten (10) days in advance of the date herein set for such hearing and investigation. The notice shall state that the interested parties will be given the opportunity to state their case for or against bringing this property up to code or demolition of this property, at the time of the public hearing.

(b) Cause a notice to be published in the Times Herald newspaper at least ten (10) days in advance of said hearing. The notice herein required shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Chapter 10, Section 10-211, and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron.

(c) Provide for the recording of such hearings.

Adopted by consent.

**\*R-13.** WHEREAS, the City Council has received and considered the attached Preliminary Code Enforcement Report for Code Case #10-004, 1825 Kern Street, (see City Clerk File #10-55) 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:

*Southeasterly 60 feet of Lot 12 and Lot 13, except southwest 30 feet deeded to City for Street and except northwesterly 287 feet, Block 2, Haynes and Runnels Subdivision of a part of Section 4; 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 June 14, 2010, at 7:00 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, 100 McMorrان Boulevard, for the purposes and according to the procedures referred to above; and

2. The City Clerk shall:

(a) Notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's record, at least ten (10) days in advance of the date herein set for such hearing and investigation. The notice shall state that the interested parties will be given the opportunity to state their case for or against bringing this property up to code or demolition of this property, at the time of the public hearing.

(b) Cause a notice to be published in the Times Herald newspaper at least ten (10) days in advance of said hearing. The notice herein required shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Chapter 10, Section 10-211, and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron.

(c) Provide for the recording of such hearings.

Adopted by consent.

**ORDINANCES**

**\*O-1.** An ordinance introduced April 26, 2010, entitled and reading as follows was given its third and final reading and enacted:

ORDINANCE NO. 1308

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAP, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTIES LOCATED AT 1912, 1908, AND 1904 - 24TH STREET, FROM A C-1 (GENERAL BUSINESS) ZONING DISTRICT TO AN R-1 (SINGLE- AND TWO-FAMILY RESIDENTIAL) ZONING DISTRICT.

**THE CITY OF PORT HURON ORDAINS:**

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

*Lots 12, 13, and 14, Block 13, Tunnel Depot Subdivision; also known as 1912, 1908, and 1904 - 24th Street (respectively), City of Port Huron, St. Clair County, Michigan.*

Susan M. Child, CMC  
City Clerk

ADOPTED: 05/10/2010  
PUBLISHED: 05/15/2010  
EFFECTIVE: 05/23/2010

Adopted by consent.

**O-2. Councilmember Archibald** moved, seconded by Councilmember Fisher that an ordinance introduced April 26, 2010, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1309

AN ORDINANCE TO AMEND CHAPTER 22, ENVIRONMENT, ARTICLE II, BLIGHT, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF UPDATING THE CAUSES OF BLIGHT OR BLIGHTING FACTORS AND REQUIREMENTS FOR BUILDINGS IN COMMERCIAL AREAS.

**THE CITY OF PORT HURON ORDAINS:**

That Chapter 22, Environment, Article II, Blight, of the Code of Ordinances of the City of Port Huron for the purpose of updating the causes of blight or blighting factors and requirements for buildings in commercial areas is hereby amended as follows:

**CHAPTER 22. ENVIRONMENT  
ARTICLE II. BLIGHT  
Division 1. Generally**

**Sec. 22-31 through Sec. 22-50**

No changes.

**Division 2. Residential Areas****Sec. 22-51. Purpose.**

No changes.

**Sec. 22-52. Causes of blight or blighting factors.**

It is hereby determined that the following uses, structures, activities, and conditions are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods. No person shall maintain or permit to be maintained any causes of blight or blighting factors upon any property in the city whether owned, leased, rented, or occupied by such person. Such blight or blighting factors are as follows:

(1) In any area zoned or used for residential purposes, the storage upon any property, street or alley of junk automobiles, except in a completely enclosed building. For the purpose of this division, the term "junk automobiles" shall include any motor vehicle which is unlicensed for a period in excess of 30 days for use upon the roads and highways in the state and shall also include, whether so licensed or not, any motor vehicle which is inoperative for any reason for any period in excess of 30 days.

(2) In any area zoned or used for residential purposes, the open storage upon any property, street or alley of building materials unless there is in force a valid building permit issued by the city for construction upon such property and such materials are for use in connection with such construction. Building materials shall include but shall not be limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used for construction.

(3) In any area zoned or used for residential purposes, the open storage or accumulation upon any property, street or alley of junk, trash, debris, rubbish or refuse of any kind, except domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed seven days.

a. Domestic refuse shall be enclosed in sealed trash receptacles and located in such a manner that they shall not be visible from any public street or sidewalk whenever possible, except during normal collection schedules.

b. The term "junk" shall include but not be limited to parts of machinery or motor vehicles, tires, vehicle parts, unused stoves or other appliances stored in the open, remnants of wood, metal or any other material or other cast-off material of any kind whether or not the material could be put to any immediate reasonable use.

c. The term "open storage," as used in this division, shall mean such storage or accumulation which is visible from any public street or sidewalk or from any adjoining property.

(4) In any area zoned or used for residential purposes, the failure to maintain the exterior of any building in a condition such that there are no broken windows and all windows are fully glazed without inserts or patches, exterior surfaces are kept clean and stained or painted and shall be free from chipping or peeling. Exterior surfaces shall be clean and free from accumulation of dirt, grime, or graffiti. Porches and stairs must be stable, free of cracked boards or block or not in any disrepair including broken or missing fascia boards, trim, shutters, porch skirting, or similar appurtenances. No storage, display or use of upholstered or other furniture or discarded automobile seats/parts on exterior porches, patios, or in the yard that were not designed and/or manufactured, sold, or normally intended for use as outdoor furniture.

(5) In any area, the existence of any structure or part of a structure which, because of fire, wind, natural disaster, or physical deterioration, is no longer habitable as a dwelling nor useful for any other purpose for which it may have been intended.

(6) In any area zoned or used for residential purposes, the existence of any vacant dwelling, garage or other outbuildings, unless such structure is kept securely locked, there are no broken windows and all windows are fully glazed without inserts or patches, exterior surfaces are kept clean and painted where indicated, porches and stairs are stable and free of cracked boards or block or in any disrepair including broken or missing fascia boards, trim, shutters, porch skirting, or similar appurtenances, and are otherwise protected to prevent entry thereto by the elements or by unauthorized persons.

(7) In any area zoned or used for residential purposes, the existence of any partially completed structure unless such structure is in the course of construction in accordance with a valid building permit issued by the city and unless such construction is completed within a reasonable time defined as 12 months from date of issuance of building permit, along with any written extensions granted by the building inspector.

(8) Landscaping of all residential areas shall be maintained in a manner so as not to cause visual barriers, safety hazards, erosion, environmental hazards, establishment of blight conditions or other code violations. Landscaping in a residential area shall consist, at a minimum, of the establishment of grass/sod to hold the earth and prevent dust and/or establishment of noxious weeds. The property owner shall ensure that the landscaping is maintained, that all lawns are mowed regularly, not to exceed eight inches in height, shrubs are trimmed so as not to provide a visual barrier/hazard to the front entrance and to provide a clear view of the front entrance, and that noxious weeds are eliminated. All ground surfaces other than a paved or graveled driveway or approved parking area (in accordance with city ordinances) or patio areas must be covered with grass. Exceptions include fruit, vegetable, herb, shrub, or flower garden areas.

**Sec. 22-53 through Sec. 22-75.**

No changes.

**Division 3. Commercial Areas****Sec. 22-76 through Sec. 22-77.**

No changes.

**Sec. 22-78. Buildings.**

The exteriors of all commercial buildings, or industrial buildings, or buildings located in any shopping center shall be maintained so as to present a neat and orderly appearance. There shall be no broken windows and all windows shall be fully glazed without inserts or patches, painted surfaces shall be kept properly painted, block, brick or other siding in good repair with no holes, loose or missing pieces. There shall be no outside storage or display of any items whether offered for sale, disposal, junk, junk automobiles, or otherwise. Exterior paint/stain shall be free from chipping or peeling. Exterior surfaces shall be clean and free from accumulation of dirt, grime, or graffiti and all other appropriate measures shall be taken to properly maintain the buildings. Where buildings within a shopping center are owned by separate entities, the obligations of this section shall fall only upon those persons responsible for the maintenance of the particular buildings which are not being maintained in accordance with this section.

**Sec. 22-79 through Sec. 22-105.**

No changes.

**Division 4. Noxious Weeds and Unlawful Growths**

**Sec. 22-106. through Sec. 22-140.**

No changes.

Susan M. Child, CMC  
City Clerk

ADOPTED: 05/10/2010  
PUBLISHED: 05/15/2010  
EFFECTIVE: 05/15/2010

Motion adopted by the following vote:

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

**\*O-3.** An ordinance introduced April 26, 2010, entitled and reading as follows was given its third and final reading and enacted:

ORDINANCE NO. 1310

AN ORDINANCE TO AMEND CHAPTER 10, BUILDINGS AND BUILDING REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF UPDATING THE CHAPTER TO REGULATE THE TRANSFER OF BLIGHTED PROPERTIES, RECOVER COSTS FOR THE ABATEMENT OF DANGEROUS STRUCTURES AND TO PROVIDE FOR THE REGISTRATION OF FORECLOSED PROPERTIES.

**THE CITY OF PORT HURON ORDAINS:**

That Chapter 10, Buildings and Building Regulations, of the Code of Ordinances of the City of Port Huron, for the purpose of updating the chapter and to regulate the transfer of blighted properties, recover costs for the abatement of dangerous structures and to provide for the registration of foreclosed properties is hereby amended as follows:

**CHAPTER 10  
BUILDINGS AND BUILDING REGULATIONS  
ARTICLE I. IN GENERAL**

**Sec. 10-1 through Sec. 10-30.**

No changes.

**ARTICLE II. SINGLE STATE CONSTRUCTION CODE**

**Sec. 10-31. Adoption.**

(a) Pursuant to the provisions of the single state construction code, in accordance with Public Act No. 230 of 1972 (MCL 125.1501 et seq.), the city assumes responsibility for the administration and enforcement of the state code throughout its corporate limits.

(b) The Michigan Building Code (including the Property Maintenance Code), the Michigan Electrical Code, the Michigan Plumbing Code, and the Michigan Mechanical Code are hereby adopted by reference pursuant to the act cited in subsection (a) of this section.

**Sec. 10-32 through Sec. 10-70.**

No changes.

**ARTICLE III. SWIMMING POOLS**

**Sec. 10-71 through Sec. 10-120.**

No changes.

**ARTICLE IV. TRANSFER OF OWNERSHIP**

**Sec. 10-121. Transfer of blighted property.**

(a) It shall be unlawful for the owner of any dwelling unit or structure who has received a Notice and Order to Comply or upon whom a notice of violation has been served to sell, transfer, mortgage, lease, or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee, or lessee, a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee, or lessee, acknowledging the receipt of such Notice and Order to Comply or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

(b) The new owner of record shall enter into a work agreement with the City of Port Huron within 10 days from the date of closing for the purpose of immediate renovation of the structure. Such renovation shall be in accordance with all applicable state and local codes, including the Michigan Existing Housing Rehabilitation Code. The work agreement shall be recorded at the St. Clair County Register of Deeds and will be discharged at the time that a Certificate of Occupancy has been issued. The property owner shall be responsible for paying the cost of recording the work agreement.

(c) Anyone who fails to enter into a work agreement and comply with the provisions therein shall be deemed guilty of a misdemeanor or civil infraction as determined by the building official.

(d) Anyone who fails to obtain a certificate of occupancy prior to occupying or allowing occupancy of the property or any part thereof shall be deemed guilty of a misdemeanor or civil infraction as determined by the building official.

**Sec. 10-122 through Sec. 10-150. Reserved.**

**ARTICLE V. RENTAL CERTIFICATION**

**Sec. 10-151. to Sec. 10-210.**

No changes.

## ARTICLE VI. DANGEROUS STRUCTURES

### Sec. 10-211. Nuisances; condemnation procedures.

(a) No person shall maintain any structure which is unsafe; which is a menace to the health, morals or safety of the public; or which is a dangerous building. All such structures are hereby declared to be public nuisances.

(b) The city council may, after notice to the owner and after holding a public hearing thereon, condemn any structure which is a public nuisance under subsection (a) of this section. Such notice shall be given to the owner of the land upon which such structure is located and shall specify in what respects the structure is a public nuisance and require the owner to alter, repair, tear down or remove the structure within such reasonable time as may be necessary to do or have done the work required by the notice. The notice may also provide a reasonable time within which such work shall be commenced and a reasonable time within which such work shall be completed.

(c) If, at the expiration of any time limit specified in the notice given pursuant to subsection (b) of this section, the owner has not complied with the requirements of such notice, the city manager shall carry out the requirements of the notice. The cost of such abatement shall be charged against the premises and the owner thereof.

(d) The city manager may abate any public nuisance defined in this section, if the public safety requires immediate action, without preliminary order of the city council. Thereafter, the cost of abating such nuisance shall be charged against the premises and the owner thereof.

(e) In addition, the city may commence legal action against the owner of the premises for recovery of the full cost of abatement, including, but not limited to, demolition, making the premises safe, or maintaining the exterior of the structure or grounds adjoining the structure. A judgment in an action brought pursuant to this section may be enforced against assets of the owner other than the building or structure.

### Sec. 10-212 to 10-240. Reserved.

## ARTICLE VII. FORECLOSED PROPERTY REGISTRATION

### Section 10-251. Registration required.

In order to provide the City with one point of contact for properties during the foreclosure process, the lending/mortgage institution or lien holder initiating the foreclosure process has 10 calendar days from the date of filing for foreclosure to provide the following information to the inspection division of the planning department:

(a) Name, mailing address, and phone number of lending/mortgage institution or lien holder initiating the foreclosure process.

(b) Name of point of contact for lending/mortgage institution or lien holder initiating the foreclosure process.

(c) Loan/mortgage number for the property, or other identifying number used by the lending/mortgage institution or lien holder initiating the foreclosure process.

(d) Phone number for point of contact for lending/mortgage institution or lien holder initiating the foreclosure process.

Susan M. Child, CMC  
City Clerk

ADOPTED: 05/10/2010

PUBLISHED: 05/15/2010

EFFECTIVE: 05/15/2010

Adopted by consent.

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

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAP, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY LOCATED AT 1608 GARFIELD STREET FROM AN R (SINGLE-FAMILY RESIDENTIAL) ZONING DISTRICT TO AN A-1 (MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL) ZONING DISTRICT

Motion adopted by the following vote:

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

No: Councilmember Moeller.

Absent: None.

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

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

Motion adopted unanimously.

## MOTIONS & MISCELLANEOUS BUSINESS

**1. Mayor Repp** announced that the Council has scheduled a special budget work session meeting on Wednesday, May 12, 2010, at 4:30 p.m. in Conference Room 408

On motion (10:35 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC  
City Clerk

**Special meeting of the City Council of the City of Port Huron, Michigan, held Wednesday, May 12, 2010, at 4:30 p.m. in Conference Room 408, Municipal Office Center.**

The meeting was called to order by Mayor Repp at 4:40 p.m.

Present: Mayor Repp; Councilmembers Archibald, Fisher (arrived at 5:25 p.m.), Lewandowski, Miller, Moeller and Ruiz.

**MISCELLANEOUS BUSINESS**

1. Each department head gave a brief overview of their departments along with staff reductions, costs savings, grants received and/or being sought and the areas where coordination of services and employees has occurred. The following areas were discussed by the department head and/or based on questions from Councilmembers:

**Information Technology**  
(Jim Brennan)

- The department purchases all of the computers, printers, networking equipment for the City and they are shifting from programming to providing support for pre-programmed software. Computer replacement/upgrading occurs on a 4 to 5 year cycle.

**City Clerk/Elections**  
(Sue Child)

- The Electronic Poll Book initial review by election workers was favorable. Could reduce costs of hiring inspectors during slower elections and improve efficiencies during busier elections.
- The code enforcement software for tracking complaints is being used and has improved communications regarding the status of complaints.

NOTE: Councilmember Fisher arrived at 5:25 p.m. during the discussion below.

**Utilities, Engineering  
and Streets & Bridges Divisions**  
(Bob Clegg)

- Capacity and peak flow times at the water and wastewater plants were discussed.
- Use of in-house employees versus hiring of outside firms for engineering services was discussed.
- Once the MOC parking deck is completed, there are no other major expenses anticipated for the MOC budget except window replacement, stair tread work and insight/outside lighting.

**Human Resources**  
(Julie Davis)

- Pay increases have been received by unions. Nonunion employees have not received pay increases.
- There are 18 employees who will be eligible for retirement in the near future and discussion of the benefits and costs associated with early retirement were detailed.

- New employees hired have a different retiree healthcare plan, will be at a lower salary and the number of vacation days that can be sold upon retirement has changed.
- Still in preliminary savings for health care now that the last union contract has been signed.
- All union contracts expire next year.
- Dan Collins and John Berry will be helping with next year's union contracts as contractual employees.

AT THIS POINT, the Council recessed at 5:55 p.m. and reconvened at 6:05 p.m. (Councilmember Moeller returned at 6:25 p.m.)

**Fire Department**  
(Bob Eick)

- Mutual aid, joint training, table top exercises are efforts that are being coordinated with surrounding municipalities, including Sarnia, Ontario, to assist one another.
- Fire trucks are on the front line for about 15 years and then go back a line for 6 to 7 years.
- Staffing is at 44 people in the department and the shift commanders also participate in the labor side of fire calls.
- The ages of the three fire stations and closing and/or moving stations is still being considered.

**Parks, Forestry & Cemetery**  
(Bob Eick)

- Staff has been reduced and workforce has been cross trained, along with coordination with the Recreation Dept.
- The bid process has been attempted for grass cutting operations; however, trimming and the various traffic islands required to be cut did not decrease costs. Some larger parks have been awarded to outside contractors and will be expanded this year to include Palmer Park.

**Recreation**  
(Bob Eick)

- Department is reviewing the activities and shortening certain seasons to save money.
- Termination of the life guards has not diminished the family atmosphere nor increased police issues.
- Looking into outdoor advertising to offset costs of operations.
- Stebbins family, former lottery winner, donated monies for recreation and it was used to heighten the fence in Pine Grove Park.
- Nonresidents pay twice the amount that residents pay and it was asked if charging a premium for nonresidents would be beneficial.
- Rockin' on the Rivers program was close to breaking even with expenses offset by concessionaire fees, the beer tent, etc.
- The sale of boat launch passes has generated about \$45,000 and money is required to be put back into the area. Boat launch visitors have mentioned that other areas they visit gravel the parking lots and put in pavement near the launch area only.
- Council mentioned that information about reduced parking rates at beaches for residents needs to be communicated better as most are not aware that there is a way to reduce their costs and the selling of boat launch passes via the web site should be offered.

**Parking**  
**(Bob Eick)**

- Councilmember concerns mentioned for this fund included: Too much money is being transferred into the parking fund to cover snow plowing, electricity, insurance, maintenance, painting/stripping, etc., which costs were previously offset by parking meter collections. Meters should be put back in on the main street to cause employees to park in the parking lots and to give customers the prime locations to park. Could some of the parking lots (such as the Campbell Street lot) be sold to reduce the City's parking system costs?

NOTE: During the discussions below, Councilmember Moeller left for approximately 15 minutes.

**Planning, Blight, Inspection,  
Rental Certification and Community Development**  
**(Kim Harmer)**

- Inspectors are being cross trained to do inspections, blight and rental certification and nonpaid interns are being hired.
- Community development funds are being used to reimburse the general fund.
- Demolition charges are charged against the property and the City is generally reimbursed.

**Finance, Accounting, Income Tax,  
Assessor, Purchasing, Board of Review,  
Treasurer & Water Offices and Central Stores**  
**(John Ogden)**

- The areas of responsibility and various staff reductions over the last 5 years were detailed and more retiree costs are being carried over by fewer employees.
- MI-DEAL and MITN are two groups being used to buy and sell goods.
- The following items were mentioned by Councilmembers:
  - County-wide volume buying to decrease costs (office supplies, health insurance, etc.)
  - Monthly versus quarterly water bills and paperless billing - The Johnson Control energy based study includes a review of these areas for potential cost savings.

**Police Department**  
**(Don Porrett)**

- Current staffing levels and the high overtime costs were discussed and if whether it would be more cost effective to hire another police officer to help reduce the overtime.

**Additional Discussion**

The following are some of the items mentioned by Councilmembers after the department presentations:

- The City should install the utilities to provide for vendors north of the Blue Water Bridge.
- MOC maintenance costs are high. Could the school administration building on Lapeer Avenue be used for the MOC building. Could simpler waterproofing measures be used at the MOC
- EDA funding - By general consensus, the Council asked the City Manager to place a resolution on the next agenda to rejoin the EDA so the Council can vote on whether or not to join.
- The topic of reducing the street millage for one year, along with other cuts such as to the Museum and McMorran, to offset a water rate increase was discussed.
- Union Street is in disrepair and should be repaved.

**Mayor Repp** mentioned that any proposed amendments to the budget should be submitted to the City Manager ahead of time so that he can be prepared. Thanks were extended to the City Manager and staff for their presentations.

On motion (9:10 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC  
City Clerk

**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, May 24, 2010, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.**

The meeting was called to order by Mayor Repp.

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

The minutes of the regular meeting of May 10, 2010, and the special meeting of May 12, 2010, were approved.

**PRESENTATIONS**

1. Matt Webb, Michigan Department of Transportation, and Gerry Measel, Detroit Edison Company, gave a presentation regarding the purpose and need for the special approval use permit (Resolution #4), (See City Clerk File #10-58 for a copy of their presentation.)

**PUBLIC AUDIENCES**

1. Anthony America, Port Huron, commented on the Water Street property, Acheson's tall ship and stated that he is opposed to the resolution placing a moratorium on medical marijuana dispensaries and supports the Thomas Edison Park vendor being placed in the same location as last year.

2. Ken Harris, Wells Street, commented on the United States Post Office annual food drive and asked Council to table the budget resolution to give consideration to consolidation of City services, raises based on an award effort rather than a percentage and reducing expenditures at the marina, McMorrان and the museum.

3. Mark Byrne, Prospect Place, commented that the Council is aware of his views on the budget resolution and that he is opposed to the moratorium on medical marijuana dispensaries.

4. Kathleen MacCready, Port Huron, commented she supports the proposal to cap water rates and that Council needs to look at different ways to do business and to improve the public trust.

5. Mike McCauley, Freighter Fries, asked for an extension to his Thomas Edison Park vending agreement and requested a meeting with the Special Events Committee to work through the issues with his park vending.

6. Angela Kelley, Port Huron, commented on the Council being more open to small business ventures, such as daycares and the medical marijuana dispensaries and supports the City putting in utility service for vending in Thomas Edison Park.

7. Joel Anstadt, Port Huron, commented about the history of this area, as well as various events held in the county.

**CONSENT AGENDA**

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

**COMMUNICATIONS & PETITIONS**

**C-1. Councilmember Moeller** moved, seconded by Councilmember Lewandowski, to receive and file the following petitions:

Petition #10-001: From Sharon Bender requesting that the Spirit of Port Huron Brotherhood Award be re-named the Robert and Elizabeth Rock Brotherhood Award. (See City Clerk File #10-59)

Motion to receive and file adopted unanimously.

**\*C-2.** Received and filed and referred to Corporation Counsel for a response a letter from Alice O'Neil regarding the Huron Lightship horn sounding. (See City Clerk File #10-60)

**FROM THE CITY MANAGER**

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

On May 11, 2010, the City of Port Huron received three (3) unit price bids for the 2010 Annual Sidewalk contract. Based on estimated annual quantities, the following is a comparative summary of the bids received:

McKenzie Concrete (North Street, MI)	\$ 94,138.20
Rodeo Homes (Almont, MI)	\$100,117.45 *
Hinojosa Construction (Croswell, MI)	\$106,017.45

\* As corrected

It is recommended that the bid of McKenzie Concrete, 4080 Vincent Road, North Street, Michigan 48049, in the estimated amount of Ninety-Four Thousand One Hundred Thirty-Eight and 20/100 Dollars (\$94,138.20) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

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

**RESOLUTIONS**

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

WHEREAS, the use of medical marihuana for a debilitating medical condition is presently governed in Michigan pursuant to MCL 333.26421 et seq. and rules, if any, to be issued by the State Department of Community Health under MCL 333.26425; and

WHEREAS, the Michigan Department of Community Health has issued a pronouncement that the current law does not authorize dispensaries for marihuana; and

WHEREAS, the question of whether local units of government are required to provide for properties zoned for the dispensing or distribution of marihuana remains an issue of discussion and debate; and

WHEREAS, the City is desirous of providing for an informed deliberative process in order to determine the issue of whether within the City dispensing and distribution, if any, should occur and whether other regulatory controls should be implemented;

NOW, THEREFORE, BE IT RESOLVED that a moratorium prohibiting the establishment of any business or premises for the distribution or dispensation of marihuana is hereby adopted, effective immediately upon the adoption of this resolution.

BE IT FURTHER RESOLVED that this resolution does not restrict:

- (1) medical use of marihuana by a person in a residence who has a debilitating medical condition as defined by MCL 333.26423(a) and who has been issued and possesses a registry identification card issued by the Michigan Department of Community Health pursuant to MCL 333.26421 et seq, and
- (2) a primary caregiver within the meaning of MCL 333.26423(g) who has been issued and possesses a registry identification card issued by the Michigan Department of Community Health pursuant to MCL 333.26421 et seq, from assisting a qualifying patient, at a residence, with the medical use of marihuana as permitted under MCL 333.26421 et seq.

BE IT FURTHER RESOLVED that this resolution does not restrict a licensed physician from providing a written certification as provided in MCL 333.26423(1); and

BE IT FURTHER RESOLVED that any and all resolutions in conflict herewith are repealed only to the extent necessary to give full force and effect to the foregoing provisions.

Motion adopted by the following vote:

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

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

WHEREAS, the City of Port Huron and the St. Clair County Parks and Recreation Commission supports the development of recreation trails throughout the community; and

WHEREAS, the City has acquired property from CN Railroad with funds provided by St. Clair County Parks and Recreation Commission; and

WHEREAS, Contract #10-5222 has been prepared between the City and the Michigan Department of Transportation (MDOT) for the removal of the Military Street bridge over the CN Railroad and the installation of a culvert (V01 of 77032) to carry a non-motorized trail; and

WHEREAS, the City must participate in the cost of these improvements in accordance with Public Act 51 with the total estimated cost of \$2,419,700 to be shared as follows:

Federal Aid	\$1,917,700
State	\$ 437,450
City	<u>\$ 64,550</u>
	\$2,419,700

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 removal of the Military Street bridge over the CN Railroad and the installation of a culvert to carry a non-motorized trail, together with necessary related work, and authorizes the appropriate City officials to execute said contract. (See City Clerk File #10-61)

Motion adopted unanimously.

**\*R-3.** WHEREAS, The Detroit Edison Company (DTE) currently holds a City of Port Huron franchise pursuant to Ordinance No. 749 adopted March 24, 1980; and

WHEREAS, said Ordinance No. 749 was confirmed by a three-fifths vote of the electors at an election held on May 20, 1980; and

WHEREAS, said franchise expired on May 20, 2010, thirty years from the date of its confirmation; and

WHEREAS, DTE seeks a non-exclusive public utility franchise to operate an electric generation, transportation and distribution business in the City of Port Huron, Michigan; and

WHEREAS, the City of Port Huron, St. Clair County, Michigan is empowered pursuant to the Michigan Constitution of 1963, and the City Charter, Chapter XI, Section 92a, to grant public utility franchises by ordinance and provides that no such ordinance shall be adopted until a full public hearing has been held thereon;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for June 28, 2010, in order to hear comments on the request of The Detroit Edison Company (DTE) for a renewal of their franchise and the adoption of an ordinance therefore.

Adopted by consent.

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

WHEREAS, a request has been received from Detroit Edison Company for a special use permit to operate an unmanned electrical substation within an R-1 (Single- and Two- Family Residential zoning district) located at the northwest corner of Harker and Elk Streets; and

WHEREAS, on May 4, 2010, 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, rejected staff's recommendation of approval of the request (vote: 3 ayes; 5 nays; 1 absent; 0 abstained);

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the Zoning Administrator to issue a special use permit to Detroit Edison Company to operate an unmanned electrical substation at the northwest corner of Harker and Elk Streets.

Motion adopted unanimously.

**\*R-5.** WHEREAS, the Community Development Division of the City of Port Huron has requested to schedule a public hearing on June 14, 2010, to hear comments on the Consolidated Annual Performance Evaluation Report (CAPER) for the program year 2009 (04/01/09 to 03/31/10); and

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

WHEREAS, the CAPER will be available at the City Clerk's office and the St. Clair County Library (Main Branch) as of Friday, June 4, 2010, for public viewing and written comments for a period of at least fifteen days; and

WHEREAS, the report will be submitted to the HUD after City Council approval on Monday, June 28, 2010, after all comments are considered;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Port Huron hereby schedules a public hearing for Monday, June 14, 2010 to hear comments on the Consolidated Annual Performance Evaluation Report (CAPER).

Adopted by consent.

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

WHEREAS, the cost for trash pickup in the right-of-way shall be assessed to the property owner(s) pursuant to City ordinances, Sections 38-11, 40-19, and 42-17; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot special assessments in the total amount of \$1,062.02 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 #10-62).

Adopted by consent.

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

WHEREAS, the taxable value of the ad valorem real and personal property in the City of Port Huron has been determined to be \$716,849,631, plus \$34,987,862 of value on the Special Acts assessment rolls including the Industrial Facilities, Neighborhood Enterprise Zone and Land Bank rolls.

NOW, THEREFORE, BE IT RESOLVED, that the budget of the City of Port Huron for the fiscal year beginning July 1, 2010 and ending June 30, 2011 is hereby determined and adopted as follows:

**GENERAL FUND:**

Means of financing:			
Estimated designated fund balance	\$	383,802	
Property taxes		7,855,000	
Income tax		5,800,000	
Business licenses and permits		330,000	
Nonbusiness licenses and permits		240,000	
Grants		243,952	
State shared revenues		3,375,000	
Charges for services		725,000	
Fines and forfeits		155,000	
Investment income		225,000	
Rents		330,000	
Sale of assets		5,000	
Charges to other funds		1,874,558	
Transfer from other funds		<u>798,000</u>	<u>\$ 22,340,312</u>
Estimated requirements:			
Ordinary recurring expenses	\$	20,679,562	
Transfers		503,300	
Capital outlay		<u>1,157,450</u>	<u>\$ 22,340,312</u>

**MAJOR STREETS FUND:**

Means of financing:			
Estimated designated fund balance	\$	20,353	
State shared revenues		1,615,000	
Trunkline maintenance		224,946	
State grants		1,085,000	
Transfer from Municipal streets to Major streets		<u>1,275,000</u>	<u>\$ 4,220,299</u>
Estimated requirements:			
Ordinary recurring expenses	\$	2,055,299	
Capital outlay and street improvements		<u>2,165,000</u>	<u>\$ 4,220,299</u>

**LOCAL STREETS FUND:**

Means of financing:			
Estimated designated fund balance	\$	26,290	
State shared revenues		500,000	
Transfer from Major streets to Local streets		420,000	
Transfer from Municipal streets to Local streets		<u>475,000</u>	<u>\$ 1,421,290</u>
Estimated requirements:			
Ordinary recurring expenses	\$	826,290	
Capital outlay and street improvements		<u>595,000</u>	<u>\$ 1,421,290</u>

**MUNICIPAL STREETS FUND:**

Means of financing:			
Estimated designated fund balance	\$	1,399,171	
Taxes - Street millage		1,340,000	
Taxes - BWATC		460,000	
Investment income		<u>25,000</u>	<u>\$ 3,224,171</u>
Estimated requirements:			
Ordinary recurring expenses			<u>\$ 3,224,171</u>

**CEMETERY FUND:**

Means of financing:		
Estimated designated fund balance	\$ 9,095	
Foundations	12,000	
Graveside interments	50,000	
Chapel interments	45,000	
Other services	10,000	
Transfer from Cemetery perpetual care fund	<u>250,000</u>	<u>\$ 376,095</u>
Estimated requirements:		
Ordinary recurring expenses	\$ 369,095	
Capital outlay	<u>7,000</u>	<u>\$ 376,095</u>

**GARBAGE AND RUBBISH COLLECTION FUND:**

Means of financing:		
Estimated designated fund balance	\$ 613,146	
Taxes	<u>1,900,000</u>	<u>\$ 2,513,146</u>
Estimated requirements:		
Ordinary recurring expenses		<u>\$ 2,513,146</u>

**RENTAL CERTIFICATION FUND:**

Means of financing:		
Estimated designated fund balance	\$ 16,999	
Charges for services	<u>165,254</u>	<u>\$ 182,253</u>
Estimated requirements:		
Ordinary recurring expenses		<u>\$ 182,253</u>

**DOMESTIC PREPAREDNESS FUND:**

Means of financing:		
Grants		<u>\$ 100,000</u>
Estimated requirements:		
Ordinary recurring expenses	\$ 10,000	
Capital outlay	<u>90,000</u>	<u>\$ 100,000</u>

**O.U.I.L. FUND:**

Means of financing:		
Fines and forfeits		<u>\$ 15,000</u>
Estimated requirements:		
Ordinary recurring expenses	\$ 5,000	
Capital outlay	<u>10,000</u>	<u>\$ 15,000</u>

**DRUG LAW ENFORCEMENT FUND:**

Means of financing:		
Fines and forfeits		<u>\$ 46,000</u>
Estimated requirements:		
Ordinary recurring expenses	\$ 6,000	
Capital outlay	<u>40,000</u>	<u>\$ 46,000</u>

**LAW ENFORCEMENT FUND:**

Means of financing:		
Charges for services		<u>\$ 5,000</u>
Estimated requirements:		
Ordinary recurring expenses		<u>\$ 5,000</u>

**ENHANCED 911 FUND:**

Means of financing:		
Estimated designated fund balance		<u>\$ 110,000</u>
Estimated requirements:		
Ordinary recurring expenses	\$ 85,000	
Capital outlay	<u>25,000</u>	<u>\$ 110,000</u>

**COMMUNITY DEVELOPMENT BLOCK GRANT FUND:**

Means of financing:		
Grants		<u>\$ 942,742</u>
Estimated requirements:		

Ordinary recurring expenses	\$ 170,000	
Capital outlay	<u>772,742</u>	<u>\$ 942,742</u>

**NEIGHBORHOOD REHABILITATION FUND:**

Means of financing:		
Grant		<u>\$ 875,907</u>
Estimated requirements:		
Ordinary recurring expenses	\$ 50,000	
Capital outlay	<u>825,907</u>	<u>\$ 875,907</u>

**HOME PROGRAM FUND:**

Means of financing:		
Grants		<u>\$ 288,903</u>
Estimated requirements:		
Ordinary recurring expenses	\$ 26,123	
Capital outlay	<u>262,780</u>	<u>\$ 288,903</u>

**STREETSCAPE MAINTENANCE FUND:**

Means of financing:		
Estimated designated fund balance	\$ 25,000	
Charges for services	<u>50,000</u>	<u>\$ 75,000</u>
Estimated requirements:		
Ordinary recurring expenses	\$ 50,500	
Capital outlay	<u>24,500</u>	<u>\$ 75,000</u>

**BEAUTIFICATION COMMISSION FUND:**

Means of financing:		
Estimated designated fund balance	\$ 2,000	
Miscellaneous	2,000	
Transfer from General fund	<u>3,300</u>	<u>\$ 7,300</u>
Estimated requirements:		
Ordinary recurring expenses		<u>\$ 7,300</u>

**MARINA FUND:**

Means of financing:		
Estimated designated fund balance	\$ 30,000	
Charges for services	20,000	
Transfer from Land Purchase fund	<u>130,623</u>	<u>\$ 180,623</u>
Estimated requirements:		
Ordinary recurring expenses		<u>\$ 180,623</u>

**LAND PURCHASE FUND:**

Means of financing:		
Estimated designated fund balance	\$ 1,710,186	
Investment income	125,000	
Rents	185,000	
Other income	10,000	
Transfer from tax increment funds	<u>1,309,000</u>	<u>\$ 3,339,186</u>
Estimated requirements:		
Ordinary recurring expenses	\$ 3,314,186	
Capital outlay	<u>25,000</u>	<u>\$ 3,339,186</u>

**PARKING FUND:**

Means of financing:		
Estimated designated fund balance	\$ 15,142	
Street meters	27,000	
Parking lots	5,000	
Annual permits	20,000	
Transfer from Land Purchase fund	<u>88,563</u>	<u>\$ 155,705</u>
Estimated requirements:		
Ordinary recurring expenses		<u>\$ 155,705</u>

**WATER FUND:**

Means of financing:			
Estimated designated fund balance	\$ 100,000		
Sale of water	5,687,756		
Charges for services	135,920		
Investment income	5,000		
Grants	200,000		
Proceeds from long-term revenue bonds	4,835,000		
Pro rata share of water administration and meter reading budget reimbursed from Wastewater fund	506,498		
Transfer from Land purchase fund	<u>1,550,000</u>	<u>\$ 13,020,174</u>	
Estimated requirements:			
Ordinary recurring expenses	\$ 4,373,774		
Debt service	3,303,000		
Capital outlay	<u>5,343,400</u>	<u>\$ 13,020,174</u>	

**WASTEWATER FUND:**

Means of financing:			
Estimated designated fund balance	\$ 3,000,000		
Charges for services	7,271,503		
Other income	50,000		
Investment income	50,000		
Grants	1,420,000		
Reimbursement from other units of government	1,710,000		
Proceeds from long-term revenue bonds	11,526,980		
Transfer from governmental funds	1,500,000		
Transfer from Land purchase fund	<u>700,000</u>	<u>\$ 27,228,483</u>	
Estimated requirements:			
Ordinary recurring expenses	\$ 7,225,013		
Debt service	6,698,000		
Capital outlay	<u>13,305,470</u>	<u>\$ 27,228,483</u>	

**CENTRAL STORES FUND:**

Means of financing:			
Charges for services		<u>\$ 122,313</u>	
Estimated requirements:			
Ordinary recurring expense	\$ 117,313		
Capital outlay	<u>5,000</u>	<u>\$ 122,313</u>	

**DATA PROCESSING FUND:**

Means of financing:			
Estimated designated fund balance	\$ 43,846		
Charges for services	<u>724,835</u>	<u>\$ 768,681</u>	
Estimated requirements:			
Ordinary recurring expenses	\$ 723,681		
Capital outlay	<u>45,000</u>	<u>\$ 768,681</u>	

**MOTOR VEHICLE FUND:**

Means of financing:			
Estimated designated fund balance	\$ 974,113		
Charges for services	<u>1,800,000</u>	<u>\$ 2,774,113</u>	
Estimated requirements:			
Ordinary recurring expenses	\$ 1,981,325		
Capital outlay	<u>792,788</u>	<u>\$ 2,774,113</u>	

**INSURANCE AND FRINGE BENEFIT FUND:**

Means of financing:			
Charges for services		<u>\$ 10,538,000</u>	
Estimated requirements:			
Ordinary recurring expenses	\$ 9,694,500		
Supplies and materials	500		
Contractual services	<u>843,000</u>	<u>\$ 10,538,000</u>	

**INDUSTRIAL PARK TAX INCREMENT FUND:**

Means of financing:			
Estimated designated fund balance	\$ 110,000		
Taxes	<u>1,288,000</u>	<u>\$ 1,398,000</u>	
Estimated requirements:			
Ordinary recurring expenses - Taxes not captured	\$ 1,288,000		
Contractual services - Industrial development	60,000		
Capital outlay	<u>50,000</u>	<u>\$ 1,398,000</u>	

**PAPER COMPANY TAX INCREMENT FUND:**

Means of financing:			
Estimated designated fund balance	\$ 75,000		
Taxes	<u>461,000</u>	<u>\$ 536,000</u>	
Estimated requirements:			
Ordinary recurring expenses - Taxes not captured	\$ 461,000		
Contractual services	<u>75,000</u>	<u>\$ 536,000</u>	

**KRAFFT-HOLLAND TAX INCREMENT FUND:**

Means of financing:			
Estimated designated fund balance	\$ 25,000		
Taxes	<u>563,000</u>	<u>\$ 588,000</u>	
Estimated requirements:			
Ordinary recurring expenses - Taxes not captured	\$ 563,000		
Capital outlay	<u>25,000</u>	<u>\$ 588,000</u>	

**PEERLESS SITE TAX INCREMENT FUND:**

Means of financing:			
Taxes		<u>\$ 109,000</u>	
Estimated requirements:			
Ordinary recurring expense	\$ 94,000		
Capital outlay	<u>15,000</u>	<u>\$ 109,000</u>	

**DOWNTOWN DEVELOPMENT AUTHORITY (DDA)**

**OPERATING FUND:**

Means of financing:			
Estimated designated fund balance	\$ 110,000		
Taxes	84,000		
Downtown Port Huron activity:			
Dues	20,000		
Promotions and fees	100,000		
Blue Water Fest	<u>400,000</u>	<u>\$ 714,000</u>	
Estimated requirements:			
Ordinary recurring expenses	\$ 194,000		
Downtown Port Huron activities	<u>520,000</u>	<u>\$ 714,000</u>	

**WATER STREET DDA TAX INCREMENT FUND:**

Means of financing:			
Taxes		<u>\$ 507,000</u>	
Estimated requirements:			
Ordinary recurring expense	\$ 492,000		
Capital outlay	<u>15,000</u>	<u>\$ 507,000</u>	

**BANK DDA TAX INCREMENT FUND:**

Means of financing:			
Estimated designated fund balance	\$ 270,000		
Taxes	<u>45,000</u>	<u>\$ 315,000</u>	
Estimated requirements:			
Ordinary recurring expense	\$ 30,000		
Capital outlay	<u>285,000</u>	<u>\$ 315,000</u>	

**HARRINGTON HOTEL DDA TAX INCREMENT FUND:**

Means of financing:			
Estimated designated fund balance		<u>\$ 150,000</u>	
Estimated requirements:			
Ordinary recurring expense	\$ 25,000		
Capital outlay	<u>125,000</u>	<u>\$ 150,000</u>	

**EDISON REDEVELOPMENT DDA TAX INCREMENT FUND:**

Means of financing:			
Taxes		<u>\$ 548,000</u>	
Estimated requirements:			
Ordinary recurring expenses	\$ 533,000		
Capital outlay	<u>15,000</u>	<u>\$ 548,000</u>	

**MAINSTREET DDA TAX INCREMENT FUND:**

Means of financing:			
Estimated designated fund balance	\$ 40,000		
Taxes	<u>53,000</u>	<u>\$ 93,000</u>	
Estimated requirements:			
Ordinary recurring expenses	\$ 30,000		
Capital outlay	<u>63,000</u>	<u>\$ 93,000</u>	

**INDUSTRIAL PARK EXPANSION LOCAL DEVELOPMENT FINANCE TAX INCREMENT FUND:**

Means of financing:			
Taxes		<u>\$ 345,000</u>	
Estimated requirements:			
Ordinary recurring expenses	\$ 295,000		
Capital outlay	<u>50,000</u>	<u>\$ 345,000</u>	

**BROWNFIELD REDEVELOPMENT TAX INCREMENT FUND:**

Means of financing:			
Taxes		<u>\$ 492,000</u>	
Estimated requirements:			
Ordinary recurring expenses		<u>\$ 492,000</u>	

BE IT FURTHER RESOLVED, that the following Summary of Estimated Requirements by Budget Classes and Schedule of Estimated Expenditures, being for informational purposes only, is intended to substantiate the computation of budget appropriations included above; and

**SUMMARY OF ESTIMATED REQUIREMENTS BY BUDGET CLASSES**  
2010 - 2011

	Personal Services	Supplies and Materials	Contractual Services	Total Recurring Expenses	Capital Outlay	Total
<b>GENERAL FUND</b>						
General Government:						
City council	\$ 5,250	\$ 1,300	\$ 60,038	\$ 66,588	\$	\$ 66,588
City commission	2,560	800	20,150	23,510		23,510
City manager	241,908	1,300	16,971	260,179		260,179
Elections	62,610	7,400	23,834	93,844		93,844
Finance and accounting	544,886	7,400	99,794	652,080		652,080
Income tax	226,129	22,525	60,220	308,874		308,874
Assessor	273,980	8,000	69,002	350,982		350,982
Legal		150	115,850	116,000		116,000
Clerk	202,533	1,440	18,059	222,032		222,032
Personnel	232,400	3,100	56,803	292,303		292,303
Purchasing	28,634	300	8,276	37,210		37,210
Board of review	1,800		800	2,600		2,600
Treasurer	125,690	10,300	61,306	197,296		197,296
Municipal office center	218,015	27,583	323,821	569,419	6,000	575,419
Promotional			60,000	60,000		60,000
	<u>2,166,395</u>	<u>91,598</u>	<u>994,924</u>	<u>3,252,917</u>	<u>6,000</u>	<u>3,258,917</u>

**SUMMARY OF ESTIMATED REQUIREMENTS BY BUDGET CLASSES**  
2010 - 2011

	Personal Services	Supplies and Materials	Contractual Services	Total Recurring Expenses	Capital Outlay	Total
<b>Public Safety:</b>						
Police administration	\$ 881,631	\$ 24,473	\$ 186,147	\$ 1,092,251	\$	\$ 1,092,251
Detectives	929,866	13,110	82,799	1,025,775		1,025,775
Patrol	4,987,724	97,660	388,243	5,473,627	3,750	5,477,377
Communications			103,030	103,030		103,030
Fire	4,895,963	160,267	346,467	5,402,697	7,200	5,409,897
	<u>11,695,184</u>	<u>295,510</u>	<u>1,106,686</u>	<u>13,097,380</u>	<u>10,950</u>	<u>13,108,330</u>
<b>Public Works:</b>						
Inspection	238,381	2,200	33,344	273,925		273,925
Emergency Management		4,500	9,930	14,430		14,430
Public works administration	192,842	300	10,758	203,900		203,900
Engineering	251,650	6,203	63,726	321,579		321,579
Street lighting	9,661	2,400	756,014	768,075		768,075
Blight	82,733	900	9,105	92,738		92,738
	<u>775,267</u>	<u>16,503</u>	<u>882,877</u>	<u>1,674,647</u>		<u>1,674,647</u>
<b>Senior Citizens:</b>						
Wastewater and water discounts			4,000	4,000		4,000
Senior citizens transportation			11,531	11,531		11,531
			<u>15,531</u>	<u>15,531</u>		<u>15,531</u>
<b>Recreation, Parks and Culture:</b>						
Parks and Forestry	600,643	65,399	307,211	973,253	27,500	1,000,753
Boat Launch Ramps		3,200		3,200	40,000	43,200
Recreation	315,871	54,300	77,071	447,242		447,242
Rockin the Rivers		1,550	34,412	35,962		35,962
20th and Court pool	22,868	10,830	33,400	67,098		67,098
Sanborn pool	60,357	13,480	30,700	104,537		104,537
Lighthouse park	1,238	1,600	1,250	4,088		4,088
Lakeside park	2,145	2,200	8,700	13,045		13,045
Palmer park recreation center	85,319	3,550	29,200	118,069		118,069
Lightship	371	1,500	11,832	13,703		13,703
McMorran complex			320,000	320,000		320,000
Library			8,000	8,000		8,000
Museum	594	3,000	106,806	110,400		110,400
	<u>1,089,406</u>	<u>160,609</u>	<u>968,582</u>	<u>2,218,597</u>	<u>67,500</u>	<u>2,286,097</u>
<b>Other Functions:</b>						
Planning	74,621	2,800	17,513	94,934		94,934
Blue Water Bridge Economic Development			100,000	100,000		100,000
Telephone service		1,000	15,906	16,906		16,906
Contingencies			40,000	40,000		40,000
Insurance, health and safety	8,250	100	130,300	138,650		138,650
Taxes written off			15,000	15,000		15,000
Demolitions			15,000	15,000		15,000
	<u>82,871</u>	<u>3,900</u>	<u>333,719</u>	<u>420,490</u>		<u>420,490</u>
Subtotal	15,809,123	568,120	4,302,319	20,679,562	84,450	20,764,012

**SUMMARY OF ESTIMATED REQUIREMENTS BY BUDGET CLASSES**  
2010 - 2011

	Personal Services	Supplies and Materials	Contractual Services	Total Recurring Expenses	Capital Outlay	Total
<b>Public Improvements:</b>						
Parks and recreation projects	\$	\$	\$	\$	\$ 125,000	\$ 125,000
MOC Capital					678,000	678,000
Other public improvements					270,000	270,000
					<u>1,073,000</u>	<u>1,073,000</u>
Subtotal	<u>15,809,123</u>	<u>568,120</u>	<u>4,302,319</u>	<u>20,679,562</u>	<u>1,157,450</u>	<u>21,837,012</u>
<b>Transfer to other funds:</b>						
Beautification commission fund			3,300	3,300		3,300
Wastewater fund			500,000	500,000		500,000
			<u>503,300</u>	<u>503,300</u>		<u>503,300</u>
<b>TOTAL GENERAL FUND</b>	<u>15,809,123</u>	<u>568,120</u>	<u>4,805,619</u>	<u>21,182,862</u>	<u>1,157,450</u>	<u>22,340,312</u>
<b>SPECIAL REVENUE FUNDS</b>						
<b>Street funds:</b>						
Major streets	899,548	252,880	902,871	2,055,299	2,165,000	4,220,299
Local streets	461,990	98,431	265,869	826,290	595,000	1,421,290
Municipal streets	<u>5,983</u>	<u>4,498</u>	<u>3,213,690</u>	<u>3,224,171</u>		<u>3,224,171</u>
	<u>1,367,521</u>	<u>355,809</u>	<u>4,382,430</u>	<u>6,105,760</u>	<u>2,760,000</u>	<u>8,865,760</u>
Cemetery fund	248,687	23,558	96,850	369,095	7,000	376,095
Garbage and rubbish collection fund	325,330	4,000	2,183,816	2,513,146		2,513,146
Rental certification fund	154,282	4,500	23,471	182,253		182,253
Domestic Preparedness		5,000	5,000	10,000	90,000	100,000
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			85,000	85,000	25,000	110,000
Community development block grant	154,160	1,200	14,640	170,000	772,742	942,742
Neighborhood rehabilitation fund	48,260	740	1,000	50,000	825,907	875,907
Home program fund	26,123			26,123	262,780	288,903
Streetscape maintenance	1,650	350	48,500	50,500	24,500	75,000
Beautification commission fund		<u>6,500</u>	<u>800</u>	<u>7,300</u>		<u>7,300</u>
<b>TOTAL SPECIAL REVENUE FUNDS</b>	<u>2,326,013</u>	<u>415,157</u>	<u>6,844,007</u>	<u>9,585,177</u>	<u>4,817,929</u>	<u>14,403,106</u>
<b>ENTERPRISE FUNDS</b>						
Marina fund	<u>9,075</u>	<u>835</u>	<u>170,713</u>	<u>180,623</u>		<u>180,623</u>
Land purchase fund			<u>3,314,186</u>	<u>3,314,186</u>	<u>25,000</u>	<u>3,339,186</u>
Parking fund	61,785	7,530	86,390	155,705		155,705

**SUMMARY OF ESTIMATED REQUIREMENTS BY BUDGET CLASSES**  
2010 - 2011

	Personal Services	Supplies and Materials	Contractual Services	Total Recurring Expenses	Capital Outlay	Total
<b>Water fund:</b>						
Treatment plant	\$ 928,893	\$ 172,518	\$ 954,897	\$ 2,056,308	\$ 270,400	\$ 2,326,708
Distribution	594,719	156,058	553,693	1,304,470	5,073,000	6,377,470
Customer accounting	131,578	29,500	97,425	258,503		258,503
Meter reading	463,147	124,173	167,173	754,493		754,493
Debt service			3,303,000	3,303,000		3,303,000
	<u>2,118,337</u>	<u>482,249</u>	<u>5,076,188</u>	<u>7,676,774</u>	<u>5,343,400</u>	<u>13,020,174</u>
<b>Wastewater fund:</b>						
Treatment plant	1,970,934	447,602	2,437,697	4,856,233	3,601,980	8,458,213
Collection, general	934,265	134,652	1,226,445	2,295,362	9,703,490	11,998,852
Collection system no. 1			216	216		216
Collection system no. 2	3,609	5,000	21,431	30,040		30,040
Collection system no. 3	6,471	1,469	35,222	43,162		43,162
Debt service			6,698,000	6,698,000		6,698,000
	<u>2,915,279</u>	<u>588,723</u>	<u>10,419,011</u>	<u>13,923,013</u>	<u>13,305,470</u>	<u>27,228,483</u>
<b>TOTAL ENTERPRISE FUNDS</b>	<u>5,104,476</u>	<u>1,079,337</u>	<u>19,066,488</u>	<u>25,250,301</u>	<u>18,673,870</u>	<u>43,924,171</u>
<b>INTERNAL SERVICE FUNDS</b>						
Central stores fund	12,570	37,100	67,643	117,313	5,000	122,313
Data Processing fund	481,283	70,900	171,498	723,681	45,000	768,681
Motor vehicle fund	734,824	357,427	889,074	1,981,325	792,788	2,774,113
Insurance and fringe benefit fund	9,694,500	500	843,000	10,538,000		10,538,000
<b>TOTAL INTERNAL SERVICE FUNDS</b>	<u>10,923,177</u>	<u>465,927</u>	<u>1,971,215</u>	<u>13,360,319</u>	<u>842,788</u>	<u>14,203,107</u>
<b>TAX INCREMENT FUNDS</b>						
Industrial park tax increment fund			1,348,000	1,348,000	50,000	1,398,000
Paper Company tax increment fund			536,000	536,000		536,000
Krafft-Holland tax increment fund			563,000	563,000	25,000	588,000
Peerless site tax increment fund			94,000	94,000	15,000	109,000
Downtown development authority operating fund			714,000	714,000		714,000
Water Street tax increment fund			492,000	492,000	15,000	507,000
Bank tax increment fund			30,000	30,000	285,000	315,000
Harrington Hotel tax increment fund			25,000	25,000	125,000	150,000
Edison redevelopment tax increment fund			533,000	533,000	15,000	548,000
Mainstreet tax increment fund			30,000	30,000	63,000	93,000
Industrial park expansion tax increment fund			295,000	295,000	50,000	345,000
Brownfield redevelopment tax increment fund			492,000	492,000		492,000
<b>TOTAL TAX INCREMENT FUNDS</b>			<u>5,152,000</u>	<u>5,152,000</u>	<u>643,000</u>	<u>5,795,000</u>
<b>TOTAL ALL FUNDS</b>	<u>\$34,162,789</u>	<u>\$ 2,528,541</u>	<u>\$37,839,329</u>	<u>\$74,530,659</u>	<u>\$26,135,037</u>	<u>\$100,665,696</u>

**SCHEDULE OF ESTIMATED EXPENDITURES**  
2010 - 2011

	Actual		Budget			
	2007-2008	2008-2009	2009-2010	2010-2011	Increase	Decrease
<b>GENERAL FUND</b>						
General Government:						
City council	\$ 69,588	\$ 58,818	\$ 69,175	\$ 66,588	\$	\$ 2,587
Charter commission		1,755	21,420	23,510	2,090	
City manager	345,258	309,286	261,879	260,179		1,700
Elections	69,783	101,028	93,632	93,844	212	
Finance and accounting	655,288	673,052	658,943	652,080		6,863
Income tax	361,694	307,459	309,024	308,874		150
Assessor	389,908	347,493	352,853	350,982		1,871
Legal	265,061	279,090	116,000	116,000		
Clerk	248,809	210,452	218,414	222,032	3,618	
Personnel	299,668	298,884	309,782	292,303		17,479
Purchasing	40,830	41,362	37,479	37,210		269
Board of review	2,302	2,395	2,475	2,600	125	
Treasurer	219,297	209,317	192,923	197,296	4,373	
Municipal office center	593,342	549,635	569,314	575,419	6,105	
Promotional	6,400	4,744	25,081	60,000	34,919	
	<u>3,567,228</u>	<u>3,394,770</u>	<u>3,238,394</u>	<u>3,258,917</u>	<u>51,442</u>	<u>30,919</u>
Public Safety:						
Police administration	973,374	980,308	1,063,002	1,092,251	29,249	
Detectives	905,964	909,496	1,008,370	1,025,775	17,405	
Patrol	4,947,488	5,158,231	5,490,033	5,477,377		12,656
Communications	699,123	236,639	106,360	103,030		3,330
Fire	5,042,098	5,033,583	5,201,056	5,409,897	208,841	
Public safety - Equipment grants	187,854	352,804				
	<u>12,755,901</u>	<u>12,671,061</u>	<u>12,868,821</u>	<u>13,108,330</u>	<u>255,495</u>	<u>15,986</u>
Public Works:						
Inspection	378,796	390,566	401,066	273,925		127,141
Emergency Management	7,132	28,211	13,968	14,430	462	
Public works administration	208,205	210,078	213,208	203,900		9,308
Engineering	224,692	244,378	323,319	321,579		1,740
Street lighting	689,969	689,763	717,736	768,075	50,339	
Blight	83,591	124,592	126,616	92,738		33,878
	<u>1,592,385</u>	<u>1,687,588</u>	<u>1,795,913</u>	<u>1,674,647</u>	<u>50,801</u>	<u>172,067</u>
Senior Citizens:						
Wastewater and water discounts	2,228	1,739	5,000	4,000		1,000
Senior citizens transportation	15,280	12,404	12,404	11,531		873
	<u>17,508</u>	<u>14,143</u>	<u>17,404</u>	<u>15,531</u>		<u>1,873</u>
Recreation, Parks and Culture:						
Parks and Forestry	1,050,005	1,002,629	1,101,778	1,000,753		101,025
Boat Launch Ramps			2,945	43,200	40,255	
Recreation	633,201	591,424	599,265	447,242		152,023
Rockin the rivers				35,962	35,962	
20th and Court pool	100,663	106,705	106,320	67,098		39,222
Sanborn pool	120,060	128,478	117,291	104,537		12,754
Lighthouse park	39,229	7,137	13,201	4,088		9,113
Lakeside park	52,148	10,987	23,248	13,045		10,203
Palmer park recreation center	116,059	120,670	120,407	118,069		2,338
Lightship	10,787	11,094	13,331	13,703	372	
McMorran complex	335,000	414,000	285,000	320,000	35,000	

**SCHEDULE OF ESTIMATED EXPENDITURES**  
2010 - 2011

	Actual		Budget			
	2007-2008	2008-2009	2009-2010	2010-2011	Increase	Decrease
Library	\$ 8,000	\$ 8,000	\$ 8,000	\$ 8,000	\$	\$
Museum	96,001	113,212	98,437	110,400	11,963	
	<u>2,561,153</u>	<u>2,514,336</u>	<u>2,489,223</u>	<u>2,286,097</u>	<u>123,552</u>	<u>326,678</u>
Other Functions:						
Planning	211,866	189,066	176,816	94,934		81,882
Blue Water Bridge Economic Study				100,000	100,000	
Telephone service	20,261	17,579	24,366	16,906		7,460
Contingencies				40,000	40,000	
Insurance, health and safety	199,931	129,614	139,550	138,650		900
Taxes written off	242	4,327	15,000	15,000		
Demolitions	145	308	15,000	15,000		
	<u>432,445</u>	<u>340,894</u>	<u>370,732</u>	<u>420,490</u>	<u>140,000</u>	<u>90,242</u>
Subtotal	20,926,620	20,622,792	20,780,487	20,764,012	621,290	637,765
Public Improvements:						
Parks and recreation projects	23,639	850	140,000	125,000		15,000
MOC Capital	163,039	311,676	729,000	678,000		51,000
Other public improvement			<u>120,000</u>	<u>270,000</u>	<u>150,000</u>	
	<u>186,678</u>	<u>312,526</u>	<u>989,000</u>	<u>1,073,000</u>	<u>150,000</u>	<u>66,000</u>
Subtotal	21,113,298	20,935,318	21,769,487	21,837,012	771,290	703,765
Transfer to other funds:						
Cemetery fund	57,546					
Beautification commission fund	3,300	3,300	3,300	3,300		
Wastewater fund	<u>3,917,400</u>	<u>1,939,493</u>	<u>1,900,000</u>	<u>500,000</u>		<u>1,400,000</u>
	<u>3,978,246</u>	<u>1,942,793</u>	<u>1,903,300</u>	<u>503,300</u>		<u>1,400,000</u>
<b>TOTAL GENERAL FUND</b>	<u>25,091,544</u>	<u>22,878,111</u>	<u>23,672,787</u>	<u>22,340,312</u>	<u>771,290</u>	<u>2,103,765</u>

**SPECIAL REVENUE FUNDS**

Street funds:						
Major streets	3,596,170	5,476,736	6,036,015	4,220,299		1,815,716
Local streets	1,109,708	1,661,204	1,575,362	1,421,290		154,072
Municipal streets	<u>3,054,458</u>	<u>3,423,364</u>	<u>3,545,069</u>	<u>3,224,171</u>		<u>320,898</u>
	<u>7,760,336</u>	<u>10,561,304</u>	<u>11,156,446</u>	<u>8,865,760</u>		<u>2,290,686</u>
Cemetery fund	368,816	355,937	405,254	376,095		29,159
Garbage and rubbish collection fund	2,131,503	2,208,792	2,521,726	2,513,146		8,580
Rental certification fund	159,276	168,635	171,991	182,253	10,262	
Domestic preparedness fund			125,000	100,000		25,000
OUIL fund	483	16,915	15,000	15,000		
Drug law enforcement fund	7,515	63,023	46,000	46,000		
Law enforcement fund	183	3,143	5,000	5,000		
Enhanced 911 fund	365,848	18,180	100,000	110,000	10,000	
Community development block grant fund	815,708	459,050	850,677	942,742	92,065	
Neighborhood rehabilitation fund	237,016	2,900	100,000	875,907	775,907	
Home program fund	147,968	151,213	261,659	288,903	27,244	

**SCHEDULE OF ESTIMATED EXPENDITURES**  
2010 - 2011

	Actual		Budget			
	2007-2008	2008-2009	2009-2010	2010-2011	Increase	Decrease
Streetscape maintenance fund	\$ 60,954	\$ 55,414	\$ 70,000	\$ 75,000	\$ 5,000	\$
Beautification commission fund	6,224	3,297	7,300	7,300		
<b>TOTAL SPECIAL REVENUE FUNDS</b>	<b>12,061,830</b>	<b>14,067,803</b>	<b>15,836,053</b>	<b>14,403,106</b>	<b>920,478</b>	<b>2,353,425</b>
<b>ENTERPRISE FUNDS</b>						
Marina fund	854,003	239,128	179,593	180,623	1,030	
Senior citizens housing fund	581,602	76,498				
Land purchase fund	2,526,567	2,587,370	3,438,593	3,339,186		99,407
Parking fund	210,700	189,812	144,546	155,705	11,159	
Water fund:						
Treatment plant	1,901,136	1,934,691	2,441,943	2,326,708		115,235
Distribution	1,408,165	1,256,347	1,422,723	1,342,470		80,253
Customer accounting	274,733	279,344	264,049	258,503		5,546
Meter reading	714,237	724,951	763,031	754,493		8,538
Debt service	2,789,502	2,870,243	3,025,000	3,303,000	278,000	
Capital outlay	3,038,246	2,316,940	5,135,000	5,035,000		100,000
	10,126,019	9,382,516	13,051,746	13,020,174	278,000	309,572
Wastewater fund:						
Treatment plant	4,704,063	4,662,508	6,268,361	8,458,213	2,189,852	
Collection, general	2,216,842	2,018,442	2,432,956	2,353,852		79,104
Collection system no. 1	13	14	215	216	1	
Collection system no. 2	18,233	17,471	26,570	30,040	3,470	
Collection system no. 3	29,404	34,236	33,194	43,162	9,968	
Debt service	5,911,665	6,253,900	6,265,000	6,698,000	433,000	
Capital outlay	2,617,969	3,017,439	8,655,000	9,645,000	990,000	
	15,498,189	16,004,010	23,681,296	27,228,483	3,626,291	79,104
<b>TOTAL ENTERPRISE FUNDS</b>	<b>29,797,080</b>	<b>28,479,334</b>	<b>40,495,774</b>	<b>43,924,171</b>	<b>3,916,480</b>	<b>488,083</b>
<b>INTERNAL SERVICE FUNDS</b>						
Central stores fund	133,814	122,691	145,471	122,313		23,158
Data Processing fund	754,577	695,717	802,949	768,681		34,268
Motor vehicle fund	2,577,501	2,442,353	3,083,699	2,774,113		309,586
Insurance and fringe benefit fund	16,417,645	8,519,200	10,263,500	10,538,000	274,500	
<b>TOTAL INTERNAL SERVICE FUNDS</b>	<b>19,883,537</b>	<b>11,779,961</b>	<b>14,295,619</b>	<b>14,203,107</b>	<b>274,500</b>	<b>367,012</b>
<b>TAX INCREMENT FUNDS</b>						
Industrial park tax increment fund	1,707,962	1,658,870	1,635,000	1,398,000		237,000
Paper Company tax increment fund	517,781	493,902	670,000	536,000		134,000
Krafft-Holland tax increment fund	615,871	672,843	617,000	588,000		29,000
Peerless site tax increment fund	102,817	103,933	109,000	109,000		
Downtown development authority operating fund	28,227	390,457	352,000	714,000	362,000	
Water Street tax increment fund	521,855	543,247	541,000	507,000		34,000

**SCHEDULE OF ESTIMATED EXPENDITURES**

2010 - 2011

	Actual		Budget			
	2007-2008	2008-2009	2009-2010	2010-2011	Increase	Decrease
Bank tax increment fund	\$	\$	\$ 288,000	\$ 315,000	\$ 27,000	\$
Harrington Hotel tax increment fund			156,000	150,000		6,000
Edison redevelopment tax increment fund	546,598	581,190	588,000	548,000		40,000
Mainstreet tax increment fund	48,241	30,181	55,000	93,000	38,000	
Industrial park expansion tax increment fund	364,374	393,570	397,000	345,000		52,000
Brownfield redevelopment tax increment fund	391,722	444,587	468,000	492,000	24,000	
<b>TOTAL TAX INCREMENT FUNDS</b>	<b>4,845,448</b>	<b>5,312,780</b>	<b>5,876,000</b>	<b>5,795,000</b>	<b>451,000</b>	<b>532,000</b>
<b>TOTAL ALL FUNDS</b>	<b>\$91,679,439</b>	<b>\$82,517,989</b>	<b>\$100,176,233</b>	<b>\$100,665,696</b>	<b>\$6,333,748</b>	<b>\$5,844,285</b>

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to make budgetary transfers within and between the activity centers of each fund established through this budget, and that all budgetary transfers between funds may be made only by further action of the Council pursuant to the provisions of the Michigan Uniform Accounting and Budgeting Act; and

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized and directed to transfer 25% of the fiscal year 2009-10 Motor Vehicle Highway Distribution revenue from the Major Street Fund to the Local Street Fund as provided for in Section 13d of Public Act 51 of 1951; and

BE IT FURTHER RESOLVED that, in accordance with Chapter 48, Water and Sewer Service Charges, Section 48-154, Water Rates and Charges, and Section 48-156, Sewer Rates Generally, which allow for water and sewer rates to be adjusted by resolution of the City Council from time to time, the commodity rates for water and sewer services are hereby increased to \$12.12 and \$28.72 per 1,000 cubic feet, respectively, and that the quarterly readiness to serve charge for a 5/8 inch meter for water and sewer services be increased to \$21.00 and \$50.00, respectively; and

BE IT FURTHER RESOLVED that the other commodity and quarterly readiness to serve charges for water and sewer services, including for the various meter sizes, for City users and users outside the City, will be in accordance with the attached Schedule of Water and Sewer Rates (see City Clerk File #10-63); and

BE IT FURTHER RESOLVED that the increased water and sewer rates shall become effective with all billing on or after June 30, 2010; 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:

Permits-No rate changes, McMorran and Majestic lot permits issued

Street Meters - No changes

Metered Off Street Lots - No changes

(A schedule of parking fees, rates and charges is attached as City Clerk File #10-64); and

BE IT FURTHER RESOLVED, that there is hereby levied on each dollar of taxable value, against all real and personal taxable property in the City of Port Huron, 16.0869 mills for operating purposes, being 11.2696 mills for general operations, 2.8173 mills for the collection of refuse and 2.0000 mills for street improvements; and

BE IT FURTHER RESOLVED, that in accordance with the recommendation of the Downtown Development Authority, there is hereby levied on each dollar of taxable value, against all real and personal taxable property in the Downtown Development District, 1.9874 mills for operating purposes; and

BE IT FURTHER RESOLVED, that said 16.0869 mills for various operating purposes and said 1.9874 mills for operations of the Downtown Development Authority be levied on July 1, 2010; 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, 2010, for a period not extending beyond March 1, 2011 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, 2010, 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, 2010, whichever is later; and

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to grant a salary adjustment of up to 2.0 percent and/or to require additional merit consideration for non-union and other employees not included in the 2.0 percent wage increases previously approved by City Council, which will partially offset the increase in employee pension contributions to 3.0 percent, to be effective for wages paid after July 1, 2010; and

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized and directed to execute necessary employment agreements with key personnel;

BE IT FURTHER RESOLVED, that the Capital Improvement Program for the 2010-2011 through 2015-2016 fiscal years, as amended, be adopted as a guide for capital expenditures during this period.

Motion adopted by the following vote:

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

### ORDINANCES

**\*O-1.** An ordinance introduced May 10, 2010, entitled and reading as follows be given its third and final reading and enacted

#### ORDINANCE NO. 1311

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.

NOTE: Due to the length of the chapter revisions, See City Clerk File #10-65 for a copy of the revised ordinance.

Susan M. Child, CMC  
 City Clerk

ADOPTED: 05/24/10  
 PUBLISHED: 05/29/10  
 EFFECTIVE: 06/06/10

Adopted by consent.

**O-2. Councilmember Lewandowski**, seconded by Councilmember Archibald, moved that an ordinance introduced May 10, 2010, entitled and reading as follows, be given its third and final reading and enacted:

#### ORDINANCE NO. 1312

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAP, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY LOCATED AT 1608 GARFIELD STREET FROM AN R (SINGLE-FAMILY RESIDENTIAL) ZONING DISTRICT TO AN A-1 (MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL) ZONING DISTRICT.

### THE CITY OF PORT HURON ORDAINS:

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

*The east 160 feet of Lot 37, Subdivision of Lot Numbers 27, 28, 29, 30, and 32, McNeil Tract, City of Port Huron, St. Clair County, Michigan.*

Susan M. Child, CMC  
 City Clerk

ADOPTED: 05/24/10  
 PUBLISHED: 05/29/10  
 EFFECTIVE: 06/06/10

Motion adopted by the following vote:

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

### MOTIONS & MISCELLANEOUS BUSINESS

**1. Mayor Repp** mentioned that the City Manager has informed her that a meeting will be set up with Mike McCauley and the Special Events Committee to discuss his vending in Thomas Edison Park.

On motion (8:00 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC  
 City Clerk

**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, June 14, 2010, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.**

The meeting was called to order by Mayor Repp.

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

Absent: Mayor Pro-tem Miller.

The minutes of the regular meeting of Mary 24, 2010, were approved.

**PRESENTATIONS**

- 1. Janice Littlefield and Lee-Perry Belleau gave a presentation on the rain barrel project (See City Clerk File #10-66).
- 2. The following visitors from the University of San Carlos in our Sister City, Chiquimula, Guatemala, were recognized: Mario Roberto Diaz, Edwin Rolando Rivera Roque, Gildardo Guadalupe Arriola Mairen, Lisandro Gonzalez Soza, Marlon Leonel Buezo Campos, Nery Waldemar Galdamez Cabrera. The Mayor and Council receive tokens of appreciation from the visitors.
- 3. Richard Engle and David Brown of Acheson Ventures gave a progress report on the River Street Marina and presented a \$28,172 check for the City's 50% share of the profits.

**PUBLIC HEARINGS**

**PH-1. The Mayor** announced that this was the time to hear comments on the Consolidated Annual Performance Evaluation Report (CAPER).

No one appeared to be heard.

**The Mayor** declared the hearing closed.

**PH-2. The Mayor** announced that this was the time to hear comments Code Case #10-001, 2017 – 10<sup>th</sup> Street, to determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211 and Chapter 34, Section 34-3 of the Port Huron City Code.

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

Ken Harris, Wells Street, commented about the competitive bidding process and if this is still done if Council authorizes demolition tonight.

Virginia Miller, daughter of the owner of the property, commented that they are in favor of the demolition of the home, however, asked if 30 days could be given so personal effects could be removed from the home prior to demolition. Kim Harmer stated that the extra time would be acceptable.

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

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

*Lot 4, Block 1, Avery's Tenth Street Plat; also known as 2017 - 10th Street (Parcel #74-06-225-0005-000), and*

has been brought to the attention of the City Council by the Building Official as Code Case 10-001, claiming such condition constitutes a nuisance; and

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

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

WHEREAS, to date, there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted May 10, 2010, 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:

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.

BE IT FURTHER RESOLVED that costs for asbestos abatement and demolition are authorized in an amount not to exceed \$20,000.00.

Motion adopted by the following vote:

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

No: None.

Absent: Mayor Pro-tem Miller.

**PH-3. The Mayor** announced that this was the time to hear comments on Code Case #10-003, 2722 Gratiot Avenue, to determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211 and Chapter 34, Section 34-3 of the Port Huron City Code.

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

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

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

*North three-tenths of a foot of Lot 9, 10, and south three feet of Lot 11, Block 37, Plat of Village of Fort Gratiot, also known as 2722 Gratiot Avenue (Parcel # 74-06-362-0113-000), and*

has been brought to the attention of the City Council by the Building Official as Code Case #10-003, claiming such condition constitutes a nuisance; and

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

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

WHEREAS, to date, there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted May 10, 2010, 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:

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.

BE IT FURTHER RESOLVED that costs for asbestos abatement and demolition are authorized in an amount not to exceed \$20,000.00.

Motion adopted by the following vote:

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

No: None.

Absent: Mayor Pro-tem Miller.

**PH-4. The Mayor** announced that this was the time to hear comments on Code Case #10-004, 1825 Kern Street, to determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211 and Chapter 34, Section 34-3 of the Port Huron City Code.

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

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

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

*Southeasterly 60 feet of Lot 12 and Lot 13, except southwest 30 feet deeded to City for Street and except northwesterly 287 feet, Block 2, Haynes and Runnels Subdivision of a part of Section 4, also known as 1825 Kern Street (Parcel # 74-06-422-0050-000), and*

has been brought to the attention of the City Council by the Building Official as Code Case #10-004, claiming such condition constitutes a nuisance; and

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

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

WHEREAS, to date, there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted May 10, 2010, 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 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.

BE IT FURTHER RESOLVED that costs for asbestos abatement and demolition are authorized in an amount not to exceed \$20,000.00.

Motion adopted by the following vote:

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

**PH-5. The Mayor** announced that this was the time to hear comments on Code Case #10-005, 1531 Oak Street, to determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211 and Chapter 34, Section 34-3 of the Port Huron City Code.

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

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

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

*West one-half of Lot 11 and that part of Lot 13 lying north of Lot 11, Block A, Victoria Petit Plat, also known as 1531 Oak Street (Parcel # 74-06-562-0009-000), and*

has been brought to the attention of the City Council by the Building Official as Code Case #10-005, 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 May 10, 2010, 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 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.

BE IT FURTHER RESOLVED that costs for asbestos abatement and demolition are authorized in an amount not to exceed \$20,000.00.

Motion adopted by the following vote:

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

**PUBLIC AUDIENCES**

1. Larry Babin, Riverside Drive, commented on the float down and the ideas for improving the event (shuttle buses and more exit areas for floaters) and encouraged Council and Administration to support the event.

2. Margaret Enright, Port Huron, commented on the float down and that it should be continued and wondered about the status of hockey and/or a convention center at McMorrans Place.

3. Ken Harris, Wells Street, expressed accolades to Acheson Ventures for the River Street marina operations and thanked those that helped with the cleanup of a home on Wells Street. He also commented on the deteriorating wall in Heritage Park, the interest rate the City gets from money at First Michigan Bank and the purchase of vehicles from out-of-town dealers.

### CONSENT AGENDA

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

Motion adopted by the following vote:

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

### FROM THE CITY MANAGER

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

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 2009-2010 fiscal year be amended by adjusting the means of financing and adjusting the estimated requirements for the following governmental funds:

	<u>As currently Adopted</u>	<u>Per Proposed Amendment</u>	<u>Increase (Decrease)</u>
<b>GENERAL FUND:</b>			
Means of financing:			
Estimated designated fund balance	\$ 387,980	\$	\$ (387,980)
Property taxes	8,490,000	8,540,000	50,000
Income tax	6,200,000	5,850,000	(350,000)
Business licenses and permits	325,000	325,000	
Nonbusiness licenses and permits	260,000	310,000	50,000
Grants		150,000	150,000
State shared revenues	3,900,000	3,550,000	(350,000)
Charges for services	735,000	750,000	15,000
Fines and forfeits	160,000	160,000	
Investment income	225,000	225,000	
Rents	260,000	330,000	70,000
Sale of assets	5,000	7,980	2,980
Charges to other funds	1,875,807	1,875,807	
Transfers from other funds	849,000	849,000	
	<u>\$ 23,672,787</u>	<u>\$ 22,922,787</u>	<u>\$ (750,000)</u>
Estimated requirements:			
General government	\$ 3,238,394	\$ 3,238,394	\$
Public safety	12,868,821	12,868,821	
Public works	1,795,913	1,795,913	
Senior citizens	17,404	17,404	
Recreation, parks and culture	2,489,223	2,489,223	
Other functions	370,732	370,732	
Public improvements	989,000	989,000	
Transfer to other funds:			
Beautification commission fund	3,300	3,300	
Wastewater fund	1,900,000	1,150,000	(750,000)
	<u>\$ 23,672,787</u>	<u>\$ 22,922,787</u>	<u>\$ (750,000)</u>
<b>COMMUNITY DEVELOPMENT BLOCK GRANT FUND:</b>			
Means of financing:			
Grants	\$ 850,677	\$ 2,125,000	\$ 1,274,323
Charges for services		25,000	25,000
	<u>\$ 850,677</u>	<u>\$ 2,150,000</u>	<u>\$ 1,299,323</u>
Estimated requirements:			
Ordinary recurring expenses	\$ 65,000	\$ 175,000	\$ 110,000
Capital outlay	785,677	1,975,000	1,189,323
	<u>\$ 850,677</u>	<u>\$ 2,150,000</u>	<u>\$ 1,299,323</u>

	<u>As currently Adopted</u>	<u>Per Proposed Amendment</u>	<u>Increase (Decrease)</u>
<b>NEIGHBORHOOD REHABILITATION:</b>			
Means of financing:			
Grants	\$ 100,000	\$ 995,000	\$ 895,000
Estimated requirements:			
Ordinary recurring expenses	\$	\$ 99,500	\$ 99,500
Capital outlay	100,000	895,500	795,500
	<u>\$ 100,000</u>	<u>\$ 995,000</u>	<u>\$ 895,000</u>
<b>HOME PROGRAM FUND:</b>			
Means of financing:			
Grants	\$ 261,659	\$ 790,000	\$ 528,341
Estimated requirements:			
Ordinary recurring expenses	\$ 26,166	\$ 42,900	\$ 16,734
Capital outlay	235,493	747,100	511,607
	<u>\$ 261,659</u>	<u>\$ 790,000</u>	<u>\$ 528,341</u>
<b>LAND PURCHASE FUND:</b>			
Means of financing:			
Estimated designated fund balance	\$ 1,733,593	\$ 1,733,593	\$
Investment income	100,000	100,000	
Rents	145,000	145,000	
Other income	10,000	10,000	
Transfer from other funds	1,450,000	1,450,000	
	<u>\$ 3,438,59</u>	<u>\$ 3,438,59</u>	<u>\$ 0</u>
Estimated requirements:			
Ordinary recurring expenses:	\$ 25,000	\$ 25,000	\$
Contractual services:			
Engineering and other professional services	50,000	50,000	
Commercial development and promotion activity			
Transfer to:			
General fund – capital projects	849,000	849,000	
Water fund	550,000	300,000	
Wastewater fund	1,700,000	1,950,000	
Wastewater fund	60,000	60,000	
Parking fund			
Marina fund:	25,100	25,100	(250,000)
Water Street	154,493	154,493	250,000
River Street			
	<u>\$ 3,413,593</u>	<u>\$ 3,413,593</u>	<u>\$</u>
Capital outlay:	25,000	25,000	
	<u>\$ 3,438,593</u>	<u>\$ 3,438,593</u>	<u>\$ 0</u>
<b>WATER FUND:</b>			
Means of financing:			
Estimated designated fund balance	\$ 900,000	\$ 900,000	\$
Sale of water	5,718,886	5,718,886	
Charges for services	159,320	159,320	
Investment income	75,000	75,000	
Grants	1,725,000	1,725,000	
Proceeds from long-term revenue bonds	3,410,000	3,410,000	
Pro rata share of water administration and meter reading budget reimbursed from Wastewater fund	513,540	513,540	
Transfer from Land purchase fund	550,000	300,000	(250,000)
	<u>\$ 13,051,746</u>	<u>\$ 12,801,746</u>	<u>\$ (250,000)</u>
Estimated requirements:			
Ordinary recurring expenses	\$ 4,582,746	\$ 4,332,746	\$ (250,000)
Debt service	3,025,000	3,025,000	
Capital outlay	5,444,000	5,444,000	
	<u>\$ 13,051,746</u>	<u>\$ 12,801,746</u>	<u>\$ (250,000)</u>

	<u>As currently Adopted</u>	<u>Per Proposed Amendment</u>	<u>Increase (Decrease)</u>
<b>WASTEWATER FUND:</b>			
Means of financing:			
Estimated designated fund balance	\$ 550,000	\$ 550,000	\$
Charges for services	7,231,296	7,231,296	
Other income	50,000	50,000	
Investment income	125,000	125,000	
Grants	2,405,000	2,405,000	
Reimbursement from other units of government	1,790,000	1,790,000	
Proceeds from long-term revenue bonds	6,930,000	6,930,000	
Transfer from governmental funds	2,900,000	2,150,000	(750,000)
Transfer from Land purchase fund	1,700,000	1,950,000	250,000
	<u>\$ 23,681,296</u>	<u>\$ 23,181,296</u>	<u>\$ (500,000)</u>
Estimated requirements:			
Ordinary recurring expenses	\$ 7,621,251	\$ 7,121,251	\$ (500,000)
Debt service	6,265,000	6,265,000	
Capital outlay	9,795,045	9,795,045	
	<u>\$ 23,681,296</u>	<u>\$ 23,181,296</u>	<u>\$ (500,000)</u>

Motion adopted by the following vote:

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

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

On April 22, 2010, the City of Port Huron received ten (10) bids for the purchase of three (3) pickup trucks to be used by the Motor Vehicle Pool:

Gorno Ford (Woodhaven, MI)	\$17,458.00 ea.
Northgate Ford (Port Huron, MI)	\$17,682.00 ea.
Fairlane Ford (Dearborn, MI)	\$17,894.00 ea.
Signature Ford (Owosso, MI)	\$18,268.00 ea.
Jorgenson Ford (Detroit, MI)	\$18,298.00 ea.
Varsity Ford (Ann Arbor, MI)	\$18,545.00 ea.
Red Holman Buick GMC (Westland, MI)	\$19,412.00 ea.
Avis Ford (Southfield, MI)	\$20,165.00 ea.
Hank Graff Chevrolet (Davidson, MI)	\$20,181.00 ea.
Jefferson Chevrolet (Detroit, MI)	\$21,043.00 ea.

It is recommended that the bid of Gorno Ford, 21111 Allen Road, Woodhaven, Michigan 48183, in the amount of Fifty-Two Thousand Three Hundred Seventy-Four and 00/100 Dollars (\$52,374.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Lewandowski and Ruiz.  
 No: Councilmember Fisher and Moeller.  
 Absent: Mayor Pro-tem Miller.

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

On April 22, 2010, the City of Port Huron received six (6) bids for the purchase of a pickup truck to be used by the Motor Vehicle Pool:

Signature Ford (Owosso, MI)	\$17,951.00
Varsity Ford (Ann Arbor, MI)	\$18,049.00
Northgate Ford (Port Huron, MI)	\$18,306.00
Avis Ford (Southfield, MI)	\$18,360.00
Red Holman Buick GMC (Westland, MI)	\$19,058.00
Jefferson Chevrolet (Detroit, MI)	\$22,216.00

It is recommended that the bid of Signature Ford, 1960 E. Main Road, Owosso, Michigan 48867, in the amount of Seventeen Thousand Nine Hundred Fifty-One and 00/100 Dollars (\$17,951.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Lewandowski and Ruiz.  
 No: Councilmembers Fisher and Moeller.  
 Absent: Mayor Pro-tem Miller.

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

Construction activities for the Erie North Sewer Separation project requires street modifications and relocation of streets. It is necessary to have DTE Energy relocate three street lights and poles at cost of \$5,714.19.

It is recommended that DTE Energy, 15600 Nineteen Mile Road, Clinton Township, MI 48038, be reimbursed for the cost to relocate street lights within the City of Port Huron and that the appropriate City officials be authorized to issue a purchase order in the amount of Five Thousand Seven Hundred Fourteen and 19/100 Dollars (\$5,714.19) for this work.

Motion adopted by the following vote:

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

### RESOLUTIONS

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

BE IT RESOLVED that the Finance Director is hereby authorized to pay the attached payments. (See City Clerk File #10-01)

Motion adopted by the following vote:

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

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

WHEREAS, the City of Port Huron provides post-employment healthcare benefits for retired employees and will provide such benefits for current employees in accordance with bargaining group agreements and personnel policies; and

WHEREAS, the Government Accounting Standards Board (GASB) has issued Statement No. 43 regarding Financial Reporting for Post-employment Benefit Plans Other Than Pension Plans and Statement No. 45 regarding Accounting and Financial Reporting by Employers for Post-employment Benefits Other Than Pensions which required that governments calculate the cost of post-employment healthcare benefits and recognize the cost of such benefits actuarially over the employees' working careers, similar to pension costs, effective for the fiscal years ending June 30, 2009 and thereafter; and

WHEREAS, it is necessary to have an actuarial valuation of the City's post-employment healthcare benefits performed in order to calculate the amount of the current liability and the annual required contribution (ARC); and

WHEREAS, the Municipal Employees' Retirement System of Michigan (MERS), which provides pension services for the City of Port Huron, has previously requested proposals for actuarial services and has chosen Gabriel, Roeder, Smith & Company Consultants and Actuaries, as a result of this competitive process and MERS has negotiated a discounted price for MERS members for the provision of annual actuarial and consulting services related to post-employment healthcare plans; and

WHEREAS, Gabriel, Roeder, Smith & Company, as a part of their annual pension actuarial services for MERS and the City of Port Huron, has developed membership characteristics for the City's active members, inactive vested members and retirees and beneficiaries required to make the necessary actuarial assumptions regarding uncertain future events in order that they can complete the pension actuarial valuation; and

WHEREAS, the membership characteristics, demographic assumptions and actuarial methods developed for the annual pension services can also be used for the actuarial valuation of post-employment healthcare benefits, resulting in a significant cost and time advantage for providing the services; and

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached agreement with Gabriel, Roeder, Smith & Company, Consultants and Actuaries, to conduct an actuarial valuation of post-employment healthcare benefits for the City of Port Huron and authorizes and directs the proper City officials to execute the agreement and appoints John H. Ogden, Director of Finance, as the Project Coordinator. (See City Clerk File #10-67).

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski and Ruiz.  
No: Councilmember Moeller.  
Absent: Mayor Pro-tem Miller.

**\*R-3. WHEREAS**, the St. Clair County Board of Commissioners, at their May 19, 2010 meeting, approved a Memorandum of Understanding for Planning Collaboration for emergencies and disasters in the Blue Water Region between the counties of St. Clair, Michigan and Lambton County, Ontario to commit assistance to each other to preserve and protect people and property, as well as the general public peace, health, and safety; and

WHEREAS, the Agreement between the Government of Canada and the Government of the United States of America on Cooperation in Comprehensive Civil Emergency Planning and Management of 1986 encourages the facilitation of cooperative emergency arrangements between adjacent jurisdictions on matters falling within the competence of such jurisdictions; and

WHEREAS, the City of Port Huron understands that public safety and other departments acting alone may not be able to respond adequately and recognizes that the Emergency Management Services offices manage services during emergencies and disasters within their respective counties/communities and desires to begin joint preparedness planning for such events and support such efforts; and

WHEREAS, there is an existing and increasing possibility of emergencies and disasters of unprecedented size and destructiveness affecting municipalities in either St. Clair County or Lambton County, or both counties simultaneously;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached Memorandum of Understanding for planning collaboration for emergencies and disasters that may occur in the Blue Water Region and authorizes the appropriate City officials to execute said document (see City Clerk File #10-68).

Adopted by consent.

**\*R-4.** WHEREAS, the Economic Opportunity Committee of St. Clair County, Inc., d/b/a Community Action Agency of St. Clair County, has made application to the Bureau of State Lottery for a charitable gaming license; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council does hereby recognize the Economic Opportunity Committee of St. Clair County, Inc., d/b/a Community Action Agency of St. Clair County as a nonprofit organization in the City of Port Huron.

Adopted by consent.

**\*R-5.** WHEREAS, the Blue Water Area Transportation Commission ("BWATC") operates a transit system within the Blue Water Area; and

WHEREAS, it was agreed to place the question of additional funding for the transportation system before the voters of each local unit of government in the form of a millage; and

WHEREAS, on May 6, 2008, the voters in the City of Port Huron and the Charter Township of Fort Gratiot approved the Blue Water Area Transportation System operation millage proposal which provided that the limitation on the total amount of all taxes which may be assessed against all property in said two (2) local units of government be increased by up to 0.6214 mills of taxable valuation, as finally equalized, of all real and personal taxable property within said two (2) local units of government for the period of four (4) years for the purpose of providing funds for the operation of the Blue Water Area Transportation System from July 1, 2008, through June 30, 2012; and

WHEREAS, the City of Port Huron has received a recommendation from the Blue Water Area Transportation Commission to levy 0.6214 mills on the taxable valuation, as finally equalized, on all real and personal property in the City of Port Huron for the period of one (1) year (the July 1, 2010, City levy) which recommendation is within the 0.6214 mills approved by the voters of the City of Port Huron; and

WHEREAS, the amount to be received from the levy of 0.6214 mills by the City of Port Huron, based on the 2010 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, 2010, through June 30, 2011;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron, St. Clair County, Michigan, by the authority of said May 6, 2008, millage approval by the voters of the City of Port Huron, that the City of Port Huron does hereby levy for the period of one (1) year, 0.6214 mills on each dollar of taxable valuations, as finally equalized against all real and personal taxable property in the City of Port Huron for the purpose of the City of Port Huron contributing its share of the said financing of the operation of the Blue Water Area Transportation Commission for the operational period of July 1, 2010, through June 30, 2011; and

BE IT FURTHER RESOLVED that said 0.6214 mills be levied on July 1, 2010; and

BE IT FURTHER RESOLVED that the City Clerk be and is hereby authorized and directed to certify said tax for levy and collection to the City Treasurer of the City of Port Huron by delivering to said City Treasurer a certified copy of this resolution.

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

Adopted by consent.

**\*R-6(a).** WHEREAS, the City Council of the City of Port Huron determines that it is necessary to specially assess the cost of maintenance for the streetscape project described as follows:

Along Huron Avenue from the north side of Black River to the south side of McMorran Boulevard; and

WHEREAS, the City Council determines that the cost of maintaining such project should be paid by special assessment levied against the lots and parcels of land benefitted by such improvements;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Manager shall make an investigation of the cost of maintaining the project and prepare a report which shall include a budget for maintaining the project for the 2010-2011 fiscal year, a description of the assessment district, and his recommendation as to what portion of the cost should be paid by special assessment and what portion, if any, should be a general expense of the City, and the lands which should be included in the special assessment district.

2. The foregoing special report, as soon as completed, shall be presented to the City Council.

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

Adopted by consent.

**\*R-6(b).** WHEREAS, in accordance with the City Council resolution dated June 14, 2010, 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 2010-2011 fiscal year is \$50,000.00.

3. Said special assessment district is tentatively designated as all of the lots and parcels of land described as follows:

Along Huron Avenue from the north side of Black River to the south side of McMorran Boulevard (See Appendix A - See City Clerk File #10-69).

NOW, THEREFORE, IT IS RECOMMENDED THAT:

1. The City Council tentatively declare the special assessment of the maintenance costs of the streetscape improvements to be of public necessity and proceed with necessary procedures to make such special assessment.

2. Said special assessment district be designated as all of the lots and parcels of land described as follows:

Along Huron Avenue from the north side of Black River to the south side of McMorran Boulevard (See Appendix A).

3. The City of Port Huron Downtown Development Authority has determined that a portion of the cost of maintaining the streetscape improvements is a necessary cost of the applicable tax increment plan and the City Council tentatively approves that determination.

4. The cost of maintaining said public improvements for the 2010-2011 fiscal year is estimated to be \$50,000.00, of which \$15,900.00 shall be spread over the special assessment district as hereinafter described, \$20,000.00 will be provided from accumulated funds, \$14,100 will be provided by a tax increment plan and none of which shall be paid as a general expense of the City.

Adopted by consent.

**\*R-6(c).** WHEREAS, the City Council of the City of Port Huron tentatively determines that it is necessary to specially assess the cost of maintaining streetscape improvements in the City of Port Huron, more particularly hereinafter described in this resolution; and

WHEREAS, the City Manager has prepared a report concerning the maintenance costs of the streetscape improvements, which includes all the information required to be included by the Special Assessment Ordinance of the City; and

WHEREAS, the City Council has reviewed that report;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby tentatively determines the necessity for and further determines to proceed with special assessment of the cost of the streetscape improvements described as follows:

Along Huron Avenue from the north side of Black River to the south side of McMorran Boulevard.

2. The cost of operating improvements for the 2010-2011 fiscal year is estimated to be \$50,000.00, of which \$15,900.00 shall be spread over the special assessment district as hereinafter described, \$20,000.00 will be provided from accumulated funds, \$14,100 will be provided by a tax increment plan and none of which shall be paid as a general expense of the City, and the aforesaid report of the City Manager is hereby approved.

3. Said special assessment district is tentatively designated as all of the lots and parcels of land described as follows:

Along Huron Avenue from the north side of Black River to the south side of McMorran Boulevard.

4. The report of the City Manager shall be placed on file in the office of the City Clerk where the same shall be available for public examination.

5. The City Assessor shall prepare a special assessment roll spreading that portion of the cost of maintaining the aforesaid streetscape improvements to be borne by the special assessment district against said district according to the benefits received, in conformity with the provisions of the Special Assessment Ordinance of the City and the City Charter. As soon as said roll is prepared, the City Assessor shall file the same with the City Council.

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

Adopted by consent.

**\*R-6(d).** WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the cost of maintaining streetscape improvements more particularly hereinafter described to the properties specially benefitted by the operation of said public improvements, and the same has been presented to the Council;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll shall be filed in the office of the City Clerk for public examination and shall be open to public inspection for a period of seven (7) days before the hearing hereinafter provided for.

2. The City Council shall meet at the Municipal Office Center, Port Huron, Michigan, at 7:00 p.m. on July 12, 2010, 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 2010-2011 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 July 12, 2010, at 7:00 p.m., at the Municipal Office Center in the City of Port Huron for the purpose of hearing interested persons on the maintenance costs of the streetscape improvements, the composition of said district and for the purpose of reviewing said special assessment roll.

Take Further Notice that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if any appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by 4:30 p.m. on July 12, 2010, and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

This Notice is given by order of the City Council of the City of Port Huron, St. Clair County, Michigan.

Susan M. Child, CMC  
City Clerk

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

Adopted by consent.

**\*R-7(a).** WHEREAS, the City Council of the City of Port Huron determines that it is necessary to specially assess the cost of maintenance for the streetscape project described as follows:

Along Military Street from the south side of Black River to the north side of Court Street; and

WHEREAS, the City Council determines that the cost of maintaining such project should be paid by special assessment levied against the lots and parcels of land benefitted by such improvements;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Manager shall make an investigation of the cost of maintaining the project and prepare a report which shall include a budget for maintaining the project for the balance of the 2010-2011 fiscal year, a description of the assessment district, and his recommendation as to what portion of the cost should be paid by special assessment and what portion, if any, should be a general expense of the City, and the lands which should be included in the special assessment district.

2. The foregoing special report, as soon as completed, shall be presented to the City Council.

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

Adopted by consent.

**\*R-7(b).** WHEREAS, in accordance with the City Council resolution dated June 14, 2010, the following is a report of the City Manager regarding the proposed special assessment of the cost of maintaining certain public improvements:

1. The maintenance for the streetscape improvements for which all of the maintenance costs are to be specially assessed are described as follows:

Along Military Street from the south side of Black River to the north side of Court Street; and

2. The estimated cost of maintaining streetscape improvements for the balance of the 2010-2011 fiscal year is \$20,000.00.

3. Said special assessment district is tentatively designated as all of the lots and parcels of land described as follows:

Along Military Street from the south side of Black River to the north side of Court Street (See Appendix A - See City Clerk File #10-70).

NOW, THEREFORE, IT IS RECOMMENDED THAT:

1. The City Council tentatively declare the special assessment of the maintenance costs of the streetscape improvements to be of public necessity and proceed with necessary procedures to make such special assessment.

2. Said special assessment district be designated as all of the lots and parcels of land described as follows:

Along Military Street from the south side of Black River to the north side of Court Street (See Appendix A).

3. The City of Port Huron Downtown Development Authority has determined that a portion of the cost of maintaining the streetscape improvements is a necessary cost of the applicable tax increment plan and the City Council tentatively approves that determination.

4. The cost of maintaining said public improvements for the 2010-2011 fiscal year is estimated to be \$20,000.00, of which \$9,275.00 shall be spread over the special assessment district as hereinafter described, \$2,500.00 will be provided from accumulated funds, \$8,225.00 will be provided by tax increment plans and none of which shall be paid as a general expense of the City.

Adopted by consent.

**\*R-7(c).** WHEREAS, the City Council of the City of Port Huron tentatively determines that it is necessary to specially assess the cost of maintaining streetscape improvements in the City of Port Huron, more particularly hereinafter described in this resolution; and

WHEREAS, the City Manager has prepared a report concerning the maintenance costs of the streetscape improvements, which includes all the information required to be included by the Special Assessment Ordinance of the City; and

WHEREAS, the City Council has reviewed that report;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby tentatively determines the necessity for and further determines to proceed with special assessment of the cost of the streetscape improvements described as follows:

Along Military Street from the south side of Black River to the north side of Court Street; and

2. The cost of operating improvements for the 2010-2011 fiscal year is estimated to be \$20,000.00, of which \$9,275.00 shall be spread over the special assessment district as hereinafter described, \$2,500.00 will be provided from accumulated funds, \$8,225.00 will be provided by tax increment plans and none of which shall be paid as a general expense of the City, and the aforesaid report of the City Manager is hereby approved.

3. Said special assessment district is tentatively designated as all of the lots and parcels of land described as follows:

Along Military Street from the south side of Black River to the north side of Court Street.

4. The report of the City Manager shall be placed on file in the office of the City Clerk where the same shall be available for public examination.

5. The City Assessor shall prepare a special assessment roll spreading that portion of the cost of maintaining the aforesaid streetscape improvements to be borne by the special assessment district against said district according to the benefits received, in conformity with the provisions of the Special Assessment Ordinance of the City and the City Charter. As soon as said roll is prepared, the City Assessor shall file the same with the City Council.

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

Adopted by consent.

**\*R-7(d).** WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the cost of maintaining streetscape improvements more particularly hereinafter described to the properties specially benefitted by the operation of said public improvements, and the same has been presented to the Council;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll shall be filed in the office of the City Clerk for public examination and shall be open to public inspection for a period of seven (7) days before the hearing hereinafter provided for.

2. The City Council shall meet at the Municipal Office Center, Port Huron, Michigan, at 7:00 p.m. on July 12, 2010, for the purpose of hearing all persons interested in the operation of said streetscape improvements and said special assessment roll and reviewing the same.

3. The City Clerk is directed to publish the notice of said hearing once in the Port Huron Times Herald, a newspaper of general circulation in the City of Port Huron, not less than ten (10) full days prior the date of the said hearing and shall further cause notice of the meeting to be sent by first class mail to each owner of or person in interest in property subject to assessment as indicated by the records in the City Assessor's office as shown on the current assessment rolls of the City, at least ten (10) full days before the time of said hearing, said notice to be mailed to the addresses shown on said current assessment rolls of the City.

4. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF SPECIAL ASSESSMENT HEARING

City of Port Huron  
County of St. Clair, Michigan

TAKE NOTICE that the City Council of the City of Port Huron, St. Clair County, Michigan, has determined it to be necessary to specially assess the cost of maintaining streetscape improvements in the City of Port Huron as follows:

The City Council has determined that all the costs of the above described public improvements shall be assessed against each of the following lots and parcels of land:

Along Military Street from the south side of Black River to the north side of Court Street.

Take Further Notice that the City Council has caused a report concerning said public improvements to be prepared, which report includes estimates of cost of such public improvements for the balance of the 2010-2011 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 July 12, 2010, at 7:00 p.m., at the Municipal Office Center in the City of Port Huron for the purpose of hearing interested persons on the maintenance costs of the streetscape improvements, the composition of said district and for the purpose of reviewing said special assessment roll.

Take Further Notice that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if any appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by 4:30 p.m. on July 12, 2010, and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

This Notice is given by order of the City Council of the City of Port Huron, St. Clair County, Michigan.

Susan M. Child, CMC  
City Clerk

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

Adopted by consent.

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

WHEREAS, on May 10, 2010, the City Council approved the purchase of 209 Glenwood Avenue for the purpose of increasing residential development; and

WHEREAS, it is the City's desire to retain ownership of this property until a development opportunity arises; and

WHEREAS, the current tenant, Julie Reid, has agreed to lease the property at a rate of Five Hundred Dollars (\$500.00) per month;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the lease agreement with Julie Reid for a one year contract with an optional renewal and authorizes the appropriate City officials to execute the documents (See City Clerk File #10-71).

Motion adopted by the following vote:

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

NOTE: Corporation Counsel to advise City administration whether political signs can be displayed on City property that is being leased to another.

## ORDINANCES

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

AN ORDINANCE TO AMEND CHAPTER 36, PARKS AND RECREATION, OF THE PORT HURON CODE OF ORDINANCES FOR THE PURPOSE OF PLACING SPECIAL LIMITATIONS ON THE CONSUMPTION AND POSSESSION OF ALCOHOLIC LIQUOR ON CITY-OWNED PROPERTY DURING APPROVED SPECIAL EVENTS WHERE A TEMPORARY LIQUOR LICENSE HAS BEEN OBTAINED BY THE SPECIAL EVENT PROMOTER/SPONSOR.

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

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski and Ruiz.  
No: Councilmember Moeller.  
Absent: Mayor Pro-tem Miller.

## MOTIONS & MISCELLANEOUS BUSINESS

**1. Mayor Repp** mentioned that the organizers for the Blue Water Fest have announced the events and entertainment planned for the festival and encouraged citizens to visit the event website for more information at [www.thebluewaterfest.com](http://www.thebluewaterfest.com).

On motion (8:20 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC  
City Clerk

**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, June 28, 2010, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.**

The meeting was called to order by Mayor Repp.

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

Absent: Councilmembers Archibald and Ruiz.

The minutes of the regular meeting of June 14, 2010, were approved.

**PUBLIC HEARINGS**

1. **The Mayor** announced that this was the time to hear comments on the request of the Detroit Edison Company for a renewal of their public utility franchise and the proposed adoption of a 30-year non-exclusive franchise ordinance.

Ken Harris, member of the St. Clair County Labor Council, commented that this item should not be discussed until Detroit Edison settles the contract with their tree trimmers.

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

AN ORDINANCE TO REPEAL ORDINANCE NO. 749 AND ADOPT A NEW ORDINANCE TO GRANT TO THE DETROIT EDISON COMPANY THE RIGHT TO OPERATE AN ELECTRIC GENERATION, TRANSPORTATION AND DISTRIBUTION BUSINESS WITHIN THE CITY OF PORT HURON FOR A PERIOD OF THIRTY (30) YEARS.

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

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

**PUBLIC AUDIENCES**

1. Ken Harris, Wells Street, commented that the vote on rejoining the EDA should occur at this meeting even though members are absent, the tickets issued for parking on the grass during the ball tournament in Pine Grove Park this past weekend tarnishes our image and asked if the original contractor for the Heritage Park on the Quay retaining wall will be charged for the repairs.

2. David Ellingworth commented that the music playing downtown is still creating a hazard for him and should be modified to be a softer type of music.

3. Bernard Ellery, Military Street, commented that the vote for rejoining the EDA needs to happen now and that payment should be given based on their performance in order to give them an incentive to work harder. He also commented on bringing work back to the community by contacting local union halls about bids and that City money should be spent wisely.

4. Ron Criss, representing Detroit Edison, expressed thanks for consideration of the renewal of their franchise and stated that the labor disputes with tree trimmers mentioned earlier are not DTE employees, but rather outside contractors' employees who are picketing.

5. John Gillis, Beach Road, Port Huron Township, commented on the hot dog peddler in Thomas Edison Park and that no one has the right to tell someone they cannot fly an American Flag.

**RESOLUTIONS**

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

WHEREAS, the City Council of the City of Port Huron held a public hearing on June 14, 2010, to hear comments on the Consolidated Annual Performance Evaluation Report (CAPER) for Program Year 2009 (April 1, 2009, to March 31, 2010); and

WHEREAS, the Community Development Division for 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 Port Huron City Council hereby authorizes the Community Development Division to submit the Consolidated Annual Performance Evaluation Report (CAPER) for Program Year 2009 (April 1, 2009, through March 31, 2010), regarding the use of Community Development Block Grant and HOME funds, to the U.S. Department of Housing and Urban Development for their review and approval. (See City Clerk File #10-72)

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

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

WHEREAS, in 2005 the Michigan Department of Transportation (MDOT) received federal funding to develop Heritage Park on the Quay located at the southwest corner of Quay Street and Huron Avenue for use as a public park; and

WHEREAS, at that time, the City entered into an agreement with MDOT whereby they would be responsible for awarding the bid, as well as the coordination and inspection of the park development project, with the City being responsible for the continued maintenance of the park improvements in future years; and

WHEREAS, in April of 2010, the City was notified that sections of the concrete ramp retaining walls along the walkway leading from Quay Street to the Black River were in disrepair and, after inspection, the City proceeded with obtaining requests for proposals from four vendors on how to best complete the repairs and prevent the reoccurrence of the damage; and

WHEREAS, at the beginning of May, the City's engineering division reviewed each proposal and determined that only one of the proposals will provide a satisfactory solution to correct the problem and prevent future erosion to the concrete ramp retaining walls;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached agreement with Titus Welding for the repair of the ramp retaining walls leading from Quay Street to the Black River located in Heritage Park on the Quay and authorizes the appropriate City officials to execute said agreement. (See City Clerk File #10-73)

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

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

WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for removal of noxious weeds or unlawful growths or blighting factors; and

WHEREAS, the costs for removing noxious weeds or unlawful growths or blighting factors shall be assessed to the property owners pursuant to Chapter 22, Sections 22-83 and 22-108, City of Port Huron Code of Ordinances; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot assessments in the total amount of \$3,355.00 upon the lots and premises described in the attached special assessment report for the cost of removing noxious weeds or unlawful growths or blighting factors (see City Clerk File #10-74).

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

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

WHEREAS, as an entitlement community, the City of Port Huron is eligible to apply for consideration of a Brownfield Economic Development Initiative (BEDI) grant and a Section 108 Loan from the U. S. Department of Housing and Urban Development (HUD); and

WHEREAS, the BEDI Grant and Section 108 Loan are intended to provide federal funds to encourage and facilitate economic development and job creation within low income areas on suspected environmentally contaminated properties; and

WHEREAS, the developers of the Sperry's Building have approached the City to apply for the combined grant and loan funds on their behalf; and

WHEREAS the developer will match the potential grant and loan with private investments and other leveraged resources; and

WHEREAS, the project is designed to retain 60 jobs and create approximately 135 new jobs in the local area; and

WHEREAS, Notice of Funding Availability (NOFA) for the BEDI was received on June 14, 2010, and the application is due no later than July 6, 2010;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the submission of an application to the U. S. Department of Housing and Urban Development for consideration of a Brownfield Economic Development Initiative Grant and a preliminary application for consideration of a Section 108 Loan on behalf of Landmark Developers for redevelopment of the Sperry's Building, and authorizes the appropriate City officials to execute the necessary applications, certifications, and appropriate documents related to the grant funding and loan requests.

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

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

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

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

WHEREAS, the City of Port Huron received funding of \$1.25 million which has been used on 33 properties for eligible uses such as purchase/rehabilitation/resale to qualifying homebuyers, down payment assistance, energy efficiency rehabilitation, elimination of code violations, and demolition of blighted structures; and

WHEREAS, the City is eligible to apply for additional grant funds for NSP-1 which, if awarded, will be used on eligible uses for an additional 32 properties within an extended, approved target area of the City;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the submission of an application to the Michigan State Housing and Development Authority for additional Neighborhood Stabilization Program - 1 (NSP-1) grant funds and authorizes the appropriate City officials to execute the necessary applications, certifications, appropriate documents, and agreements related to the grant funding request.

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

**R-6. Councilmember Moeller** moved the adoption of the following resolution, seconded by Councilmember Miller:

WHEREAS, in the 2010-2011 City budget there has been set aside \$100,000 for economic development;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the rejoining of the Economic Development Authority of St. Clair County effective July 01, 2010, at a membership fee of \$2.00 per person based on the latest available official U. S. Census (32,338 times \$2.00 for a grand total of \$64,676) and that the City Council in its goal for further job creation designate \$25,000 of the \$100,000 budgeted for economic growth to the Blue Water Area Chamber of Commerce for work with small businesses outside the designated DDA area within the City of Port Huron.

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

**ORDINANCES**

**O-1. Councilmember Lewandowski** moved, seconded by Councilmember Miller, that an ordinance introduced June 14, 2010, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1313

AN ORDINANCE TO AMEND CHAPTER 36, PARKS AND RECREATION, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF PLACING SPECIAL LIMITATIONS ON THE CONSUMPTION AND POSSESSION OF ALCOHOLIC LIQUORS ON CITY-OWNED PROPERTY DURING APPROVED SPECIAL EVENTS WHERE A TEMPORARY LIQUOR LICENSE HAS BEEN OBTAINED BY A SPECIAL EVENT PROMOTER/SPONSOR.

**THE CITY OF PORT HURON ORDAINS:**

That Chapter 36, Parks and Recreation, of the Code of Ordinances of the City of Port Huron is hereby amended for the purpose of placing special limitations on the consumption and possession of alcoholic liquors on City-owned property during approved special events where a temporary liquor license has been obtained by a special event promoter/sponsor.

**Chapter 36. PARKS AND RECREATION**

**Sec. 36-1 through Sec. 36-7.**

No changes.

**Sec. 36-8. Alcoholic liquors.**

No person shall bring any alcoholic liquor into any city park or marina area or consume any such beverage in any city park or marina area except as follows:

(1) Alcoholic liquor may be possessed or consumed in Pine Grove Park and Lincoln Park during special events authorized by a special events permit.

(2) Alcoholic liquor may be possessed or consumed between the hours of noon and 12 midnight on city owned property on the north side of the Black River between the St. Clair River and the 7th Street bridge from the water's edge of the river to the south right of way line of Quay Street, except on sidewalk areas behind privately owned buildings and adjacent to the Black River, except in the paved area of the west Quay Street parking lot, and except as restricted during special events provided for in §36-8(4).

(3) Alcoholic liquor may be possessed or consumed between the hours of noon and 12 midnight on city owned property on the north side of the Black River between the 7th Street bridge and the 10th Street bridge from the water's edge of the river to the south right of way line of River Street, except as restricted during special events provided for in §36-8(4).

(4) If a special event permit approved by the City's special event committee and a temporary liquor license by the Michigan Liquor Control Commission have been issued, then §36-8(2) and/or §36-8(3) are temporarily suspended during the event dates as required by state law. Only alcoholic liquor purchased or provided by the liquor licensee can be consumed, carried or possessed within the special event area as designated in the special event permit on the public streets, alleys, parks, sidewalks, parkways and public parking lots.

**Sec. 36-9 through Sec. 36-17.**

No changes.

Susan M. Child, CMC  
City Clerk

ADOPTED: 06/28/10  
PUBLISHED: 07/03/10  
EFFECTIVE: 07/03/10

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Fisher, Lewandowski and Miller.  
No: Councilmember Moeller.  
Absent: Councilmembers Archibald and Ruiz.

**MOTIONS & MISCELLANEOUS BUSINESS**

**1. Mayor Repp** summarized a communication from the Community Foundation regarding the appreciation and support they received from City employees for the fireworks display. The Mayor also encouraged residents to visit the Blue Water Fest web site at [www.thebluewaterfest.com](http://www.thebluewaterfest.com) to read about the events and entertainment planned for the festival during July 15 - 17, 2010.

**2. Councilmember Moeller** acknowledged his 34<sup>th</sup> wedding anniversary and his wife's birthday.

**3. Councilmember Lewandowski** expressed thanks to the City Manager for taking the time to visit all of the City employee picnic sites last week.

**4. Mayor Pro-tem Miller** asked if the second meetings of the month during the summer were going to be consolidated into one meeting. Research of previous opinions will be conducted and this matter will be addressed at the first meeting in July. He also asked about the Pine Grove Park parking tickets and if this has been a problem in the past. Chief Porrett stated that they are typically notified when a special event occurs and that he will look into the matter further.

On motion (7:45 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC  
City Clerk

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**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, July 12, 2010, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.**

The meeting was called to order by Mayor Repp.

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

The minutes of the regular meeting of June 28, 2010, were approved.

**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.

No one appeared to be heard.

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

WHEREAS, the City Council has met after due and legal notice and heard all persons to be affected by the maintenance for the streetscape project and reviewed the special assessment roll prepared for the purpose of defraying the special assessment district's share of the maintenance for the streetscape project described as follows:

Along 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 2010-2011 fiscal year, determines the estimated cost of maintaining said streetscape project to be \$50,000.00, of which \$15,900.00 shall be specially assessed, \$20,000.00 will be provided from accumulated funds, \$14,100.00 will be provided by a tax increment plan and none of which shall be paid as a general expense of the City.

3. The City Council hereby designates the following lots and parcels of land as the property to comprise the special assessment district upon which the special assessment shall be levied.

4. Said revised special assessment roll as prepared by the City Assessor in the amount of \$15,900.00 is hereby confirmed and shall be known as Special Assessment Roll No. S-0001 (See City Clerk File #10-69).

5. Payments on said special assessment roll shall be due and payable on or before August 31, 2010.

6. The City Clerk be and is hereby directed to endorse the date of confirmation on the roll.

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

Motion adopted unanimously.

**2. The Mayor** announced that this was the time to hear comments from all persons interested in the maintenance costs of the Military Street streetscape project (from the south side of Black River to the north side of Court Street) and for the purpose of reviewing said special assessment roll.

No one appeared to be heard.

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

WHEREAS, the City Council has met after due and legal notice and heard all persons to be affected by the maintenance for the streetscape project and reviewed the special assessment roll prepared for the purpose of defraying the special assessment district's share of the maintenance for the streetscape project described as follows:

Along Military Street from the south side of Black River to the north side of Court Street; and

WHEREAS, after hearing all persons interested therein and after carefully reviewing said special assessment roll, the Council deems it advisable to proceed with said assessment and deems said special assessment roll to be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the benefits to be derived by the parcels of land assessed; and

WHEREAS, the Council has not received written objection by owners of more than one-half (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 2010-2011 fiscal year, determines the estimated cost of maintaining said streetscape project to be \$20,000.00, of which \$9,275.00 shall be specially assessed, \$2,500.00 will be provided from accumulated funds, \$8,225.00 will be provided by tax increment plans and none of which shall be paid as a general expense of the City.

3. The City Council hereby designates the following lots and parcels of land as the property to comprise the special assessment district upon which the special assessment shall be levied.

4. Said revised special assessment roll as prepared by the City Assessor in the amount of \$9,275.00 is hereby confirmed and shall be known as Special Assessment Roll No. S-0002 (See City Clerk File #10-70).

5. Payments on said special assessment roll shall be due and payable on or before August 31, 2010.

6. The City Clerk be and is hereby directed to endorse the date of confirmation on the roll.

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

Motion adopted unanimously.

#### PUBLIC AUDIENCES

1. John Moldowan, a/k/a Johnny Dog, commented on his peddling operation at the parkway and that he should be left alone.

2. Ken Harris, Wells Street, commented on his disagreement with the water rate legal opinion, that selection of citizens for board appointments should be done in a positive way, that he is opposed to the sale of paintings because McMorran is not sharing in the proceeds and that it is premature to extend the Blue Water Festival agreement for another year.

3. Bernard Ellery, Military Street, commented on not being appointed to the Quality of Life Commission, that maintenance of rentals are the real issue, that all homes sold in the City should be required to get an occupancy permit and that Congressional leaders should be urged to extend benefits for unemployed citizens.

4. Margaret Enright commented that it would be premature to extend the Blue Water Festival agreement prior to this year's event and disagreed with the City using an out-of-town nursery for the purchase of replacement trees for the downtown area.

5. Jean Webb, Military Street, commented on the proposed rental moratorium, that the condition of foreclosed homes are a big concern and that the income tax should be eliminated.

6. Monica Mercurio, renter of a River Street Marina boat slip, commented that she is unhappy with the restrictions that have been placed on them during the festival.

7. Angela Kelly commented on the lack of communication with downtown businesses regarding the use of funding from the streetscape special assessment and suggested use of more local businesses, vendors and bands during the festival.

8. Brian Moeller commented that he will be proceeding after the November 2010 election with his proposed Charter amendment to limit the City Council's authority to increase water and sewer rates and instead allow the voters to determine future increases.

9. Rock Stevens, Military Street property and business owner, commented that the festival agreement extension should wait until after the event and suggested that more local business owners should become involved.

10. Marcia Fogal, President of the Blue Water Area Convention and Visitors Bureau, commented in support of extending the festival agreement and that the area has received a lot of much-needed advertising from this event and that the economic impact to our community will be great.

11. Carol Cataldo commented that the City should wait to extend the festival agreement until after the event is held this year.

12. Darrin Rushing, 14<sup>th</sup> Street, commented that the cost of providing City services should not rise higher than the cost of living and that more cuts should have been made.

13. Anthony America, Port Huron, commented on taxes paid by others.

#### CONSENT AGENDA

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

#### COMMUNICATIONS & PETITIONS

**C-1. Councilmember Lewandowski** moved, seconded by Councilmember Archibald, to receive and file the following communication:

Legal opinion from Corporation Counsel concerning the procedure to be followed should the Council wish to have one meeting in July and August.

Motion adopted unanimously.

**\*C-2.** Legal opinion from bond counsel, Miller Canfield, with concurrence by our Corporation Counsel, concerning a proposed Charter amendment to limit the City's authority to increase water and sewer rates by more than a specified amount each year that this amendment not proceed in light of the probable constitutional violation that could lead to litigation and potentially damage the City's bond rating.

Received and filed by consent.

#### FROM THE CITY MANAGER

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

On June 16, 2010, the City of Port Huron received three (3) unit price bids for the milling and resurfacing of Appomattox Area. The following is a comparative summary of the bids received:

Pro-Line Asphalt Paving Corp. (Washington, MI)	\$340,839.38
Ace Asphalt & Paving Company (Flint, MI)	\$354,562.56 *
Florence Cement Company (Shelby Twp., MI)	\$372,227.55 *

\* as corrected

It is recommended that the bid of Pro-Line Asphalt Paving Corp., 11797 29-Mile Road, Washington, Michigan 48095, in the amount of Three Hundred Forty Thousand Eight Hundred Thirty-Nine and 38/100 Dollars (\$340,839.38) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

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

**RESOLUTIONS**

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

BE IT RESOLVED that the Finance Director is hereby authorized to pay the attached payments. (See City Clerk File #10-01)

Motion adopted unanimously.

**\*R-2. WHEREAS**, a report has been submitted for costs incurred by the City of Port Huron for removal of noxious weeds or unlawful growths or blighting factors; and

WHEREAS, the costs for removing noxious weeds or unlawful growths or blighting factors shall be assessed to the property owners pursuant to Chapter 22, Sections 22-83 and 22-108, City of Port Huron Code of Ordinances; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot assessments in the total amount of \$2,950.82 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 #10-75)

Adopted by consent.

**\*R-3. WHEREAS**, the City Council has created a Brownfield Redevelopment Authority consistent with the provisions of Act No. 381 of the Public Acts of 1996; and

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor's reappointments of Mike Cansfield and Timothy Kearns to the Brownfield Redevelopment Authority for three-year terms to expire April 14, 2013, are hereby confirmed.

Adopted by consent.

**\*R-4. WHEREAS**, the City of Port Huron created a Local Development Finance Authority (LDFA) May 14, 1990; and

WHEREAS, the LDFA Act stipulates that the City Manager, subject to approval by the City Council, shall appoint seven members, and that an additional two members shall be appointed by the Port Huron Area School District, and one additional member shall be appointed by the St. Clair County Community College, and one additional member shall be appointed by the St. Clair County Board of Commissioners, with four-year terms;

NOW, THEREFORE, BE IT RESOLVED that the City Manager's reappointments of Darlene Jacolik and Joseph Vito to the Local Development Finance Authority for four-year terms to expire June 11, 2014, are hereby confirmed.

Adopted by consent.

**\*R-5. WHEREAS**, it is stated in the Code of Ordinances of the City of Port Huron, Chapter 10, Buildings and Building Regulations, Article V, Rental Certification, Section 10-167(b), Appeal Process, that the Rental Housing Board of Appeals shall consist of: "(i) one licensed builder, construction tradesman, licensed engineer, or licensed architect who is not a rental property owner or occupant (tenant); (ii) two current rental property owners; (iii) one current rental property occupant (tenant); and (iv) one resident of the city at large who is neither a rental property owner nor occupant (tenant). Members are to serve three-year staggered terms, and priority shall be given to city residents.";

NOW, THEREFORE, BE IT RESOLVED that the City Manager's reappointments of Linda Reichenbach (citizen-at-large) and Ron Saffee (landlord) to the Rental Housing Board of Appeals for three-year terms to expire June 10, 2013, are hereby confirmed.

Adopted by consent.

**\*R-6. 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 and two alternates. 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 reappoints Michael Cogley, James Dewey and James McDonald to the Zoning Board of Appeals with three-year terms to expire July 1, 2013.

Adopted by consent.

**\*R-7.** 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.";

NOW, THEREFORE, BE IT RESOLVED that the Mayor's reappointment of Mike Rossow to the Planning Commission for a three-year term to expire August 11, 2013, is hereby confirmed.

Adopted by consent.

**\*R-8.** WHEREAS, the City Council of the City of Port Huron has created a Tax Increment Finance Authority consistent with the provisions of Act 450, Public Acts of 1980; and

WHEREAS, in accordance with the provisions of Act 450, the Authority is under the supervision and control of a board appointed by the Mayor for four-year terms, subject to the confirmation and approval of the City Council; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor's reappointment of Shaun Groden and Darlene Jacolik to the Tax Increment Finance Authority for four-year terms to expire September 14, 2014, are hereby confirmed.

Adopted by consent.

**\*R-9.** WHEREAS, it is stated in the Code of Ordinances of the City of Port Huron, Chapter 52, Zoning, Article III, District Regulations, Division 14. Historic District, Section 52-580(b):

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby appoints Kathy Holth to the Historic District Commission for a three-year term to expire March 10, 2013;

BE IT FURTHER RESOLVED that Kevin Banker and William Vogan are reappointed for three-year terms to expire on March 10, 2013.

Adopted by consent.

**\*R-10.** WHEREAS, the Port Huron City Council created a Quality of Life Commission at its meeting held on September 14, 2009; and

WHEREAS, the members of the Quality of Life Commission are appointed by the City Manager with the approval of the City Council; and

WHEREAS, there is currently a vacancy for an at-large member;

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

Adopted by consent.

**R-11. Councilmember Moeller** moved the adoption of the following resolution, seconded by Councilmember Miller:

WHEREAS, the State of Michigan currently leases space on the fifth floor of the Municipal Office Center for the Michigan Department of Career Development Rehabilitative Services; and

WHEREAS, the current lease, Lease No. 4946, is due to expire on August 31, 2010, and the State of Michigan wishes to continue leasing the space for an additional five years through August 31, 2015; and

WHEREAS, an addendum has been prepared that is acceptable to both parties to extend the lease term and said addendum also provides for an option to renew for one five-year renewal through August 31, 2020, an update to the barrier-free language, correction of a typographical error made at the time the original lease was formulated, modification of the transfer of ownership language, removal of the real estate tax adjustment language and the addition of Electronic Funds Transfer language;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached Addendum to Lease No. 4946 between the City of Port Huron and the State of Michigan for space on the fifth floor of the Municipal Office Center and authorizes the appropriate City officials to execute said agreement (see City Clerk File #10-76).

Motion adopted unanimously.

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

WHEREAS, in the 1960's the Estate of Edgar W. Kiefer bequeathed three (3) Montague Dawson paintings (The Guardian, Passing Shadows and Reefdown) to the City of Port Huron, which were ultimately given to the Henry McMorran Memorial Auditorium Authority to display at McMorran Place; and

WHEREAS, in 1974 the Henry McMorran Memorial Auditorium Authority (now known as the McMorran Civic Center Authority) loaned these paintings, as well as other art collection items, to the Port Huron Museum of Arts and History (now known as the Port Huron Museum) for display and/or safe keeping with the stipulation that the paintings remain vested in the McMorran Authority; and

WHEREAS, the Port Huron Museum has been responsible for the display and/or storage of these paintings, as well as maintaining proper insurance over the years, and it is their desire to auction or sell "The Guardian" and the "Passing Shadows" with the proceeds being used to help offset the Museum's operational costs; and

WHEREAS, in order for this to occur, it has been determined that both the McMorran Civic Center Authority and the Port Huron City Council must authorize the sale of these two paintings and allow the Museum to use the proceeds from the sale for the Museum's operational costs; and

WHEREAS, at the McMorran Civic Center Authority's June 2010 meeting, the Authority passed a motion to authorize the sale and allowed the Museum to use the proceeds from the sale for the Museum's operational costs; and

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council does hereby authorize the Port Huron Museum to sell two Montague Dawson paintings known as "The Guardian" and the "Passing Shadows" with the proceeds of the sale of these paintings being used to assist the Museum with their operational costs.

Motion adopted unanimously.

**\*R-13.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for sidewalk replacement; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot special assessments in the total amount of \$2,998.65 for sidewalk replacement upon the lots and premises described in the attached special assessment report (see City Clerk File #10-77).

Adopted by consent.

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

WHEREAS, the City entered into an agreement in December 2009 with Jonathan Witz & Associates, Inc., (hereinafter referred to as JWA) to manage and stage a festival during the dates of July 15-17, 2010; and

WHEREAS, JWA wishes to amend this agreement to provide for a reduction in the fee schedule in exchange for an arrangement to allow JWA to continue the festival during 2011, if a festival is to be held; and

WHEREAS, an amendment to the agreement has been prepared that is acceptable to both the City and JWA;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby approves the attached First Amendment to the Event Agreement dated December 14, 2009, with Jonathan Witz & Associates, Inc., to extend the management and staging of the same festival event in July of 2011, if a festival is to be held, and authorizes the appropriate City officials to execute the agreement (see City Clerk File #10-78)

Motion adopted by the following vote:

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

## ORDINANCES

**\*O-1.** An ordinance introduced June 26, 2010, entitled and reading as follows, was given its third and final reading and enacted:

### ORDINANCE NO. 1314

AN ORDINANCE TO REPEAL ORDINANCE NO. 749 AND ADOPT A NEW ORDINANCE TO GRANT TO THE DETROIT EDISON COMPANY THE RIGHT TO OPERATE AN ELECTRIC GENERATION, TRANSPORTATION AND DISTRIBUTION BUSINESS WITHIN THE CITY OF PORT HURON FOR A PERIOD OF THIRTY (30) YEARS.

### THE CITY OF PORT HURON ORDAINS:

#### Section 1. Definitions.

For purposes of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*City* means the City of Port Huron, St. Clair County, Michigan or the territory within the City limits of the City of Port Huron.

*Edison* means The Detroit Edison Company, a corporation organized under the laws of the State of Michigan and its successors and assigns.

*Ordinance* shall mean this Ordinance No. 1314.

**Section 2. Grant of electric franchise to use public rights of way; non-exclusive.**

Subject to this part, applicable provisions of the City of Port Huron Code of Ordinances, the City Charter approved by the electorate on April 7, 1969, the Michigan Constitution of 1963, applicable state statutes, rules and regulations, and applicable federal statutes, rules and regulations, the City hereby grants a non-exclusive franchise to use the City's public highways, streets, alleys or other public places to Edison, and its successors and assigns. This franchise grants to Edison the right and privilege, in its reasonable discretion, subject to regulations of the Michigan Public Service Commission, or successor agency having similar jurisdiction (i) to transact local business within the City, (ii) to generate, transport and distribute electricity, and to install, maintain, operate and use all voltages of electricity distribution facilities and other necessary equipment on, along, across, and under the highways, streets, alleys, bridges and other public places within the City, (iii) to convey, supply and sell electric power and related services within the City, and (iv) to undertake all other incidental matters thereto.

**Section 3. Term.**

The franchise granted under this article shall continue in effect for a period of thirty (30) years from the effective date of this Ordinance, subject to revocation at the will of the City upon sixty (60) days written notice to Edison.

**Section 4. Electric service and extension of system.**

This franchise grants Edison and its successors and assigns the right to furnish electric services, pursuant to regulations of the Michigan Public Service Commission, or successor agency having similar jurisdiction, and in accordance with applicable laws, rules and regulations.

**Section 5. Use of streets and other public places.**

(a) Prior to performing any work in any City right of way, Edison shall obtain a permit from the City and shall at all times abide by the terms of such permit.

(b) Edison shall not unnecessarily obstruct the passage of any of the highways, streets, alleys or other public places within the City. In addition, within a reasonable time after making an opening or excavation and at its sole cost and expense, Edison shall repair the same and leave it in as good as a condition as before the opening or excavation was made.

(c) Unless an emergency exists where Edison determines that there is an immediate and serious threat to the health, service, safety or welfare of a customer, or the general public and which requires immediate action, Edison shall not open or excavate in the right of way including any road, sidewalk, street, alley or highway in the City for the purpose of installing or maintaining electric generation, transportation or distribution facilities and other necessary equipment, except upon application to the Michigan Department of Transportation, the applicable County Road Commission, if any, the City, or other public authority having jurisdiction over the public way, stating the nature of the proposed work and the route. Edison shall obtain a permit from the City or if required by law obtain a permit from the public authority having jurisdiction over the highway, street, alley, bridge and other public place for all proposed work within the City and shall pay therefor such reasonable fees as may be legally required by such public authority to offset its direct costs of permitting.

(d) The City shall require its agents or contractors to comply with the provisions of Public Act 53 of 1974, as amended.

**Section 6. Indemnification.**

Edison shall use due care in exercising the privileges in this Ordinance and, at its sole cost and expense, shall indemnify and

hold harmless the City, and its employees and agents, from any liability which may be imposed upon or incurred by the indemnitee(s), for all damages and costs which may be recovered against the City arising from the default, carelessness, or negligence of Edison or any of its officers, agents, and servants that may arise out of, or be in any way connected with, the operation and maintenance or condition of Edison's electric generation, transportation or distribution system and other necessary equipment within the City rights of way, or Edison's failure to comply with any federal or state statute, regulation or rule, or any provision of this Ordinance.

**Section 7. Insurance.**

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

The City shall be named as an additional insured in all applicable policies. All insurance policies shall provide that they shall not be canceled or modified unless 30 days prior written notice is given to the City. Edison shall provide the City with a certificate of insurance evidencing such coverage and maintain a current certificate on file with City.

**Section 8. Standards and conditions of service; rules, regulations and rates.**

Under this article, the rates to be charged for electric services within the City, and the standards and conditions of service and operation within the City, shall be the same as set forth in Edison's schedule of rules, regulations, and rates as applicable in the cities, townships, and villages where Edison is now supplying electric service, or as shall hereafter be validly prescribed for the City under the orders, rules, and regulations of the Michigan Public Service Commission, or other authority having jurisdiction over the provision of such service within the City.

**Section 9. Successors and assigns.**

Whether so expressed or not, the words "The Detroit Edison Company" and "Edison" are intended and shall be held and construed to mean and to include both The Detroit Edison Company and its successors and assigns.

**Section 10. Assignment of Franchise.**

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

**Section 11. Acceptance by Edison.**

Edison shall file a written acceptance of electric franchise with the Office of the Port Huron City Clerk within thirty (30) days after the effective date of this Ordinance.

**Section 12. Entire agreement.**

This article contains the entire agreement between the City and Edison which grants an electric franchise and thereby, the permission to use the public rights-of-way within the City. Neither the City nor Edison makes any representations except those expressly or by reference set forth in this Ordinance."

**Section 13. Repealer.**

This ordinance, when accepted and published as herein provided, shall repeal and supersede the provisions of an utility ordinance adopted by the City Council on March 24, 1980, and amendments, if any, to such ordinance whereby a franchise was granted to The Detroit Edison Company. All ordinances or parts of ordinances, in conflict with this ordinance are repealed.

**Section 14. Necessity.**

This ordinance is declared necessary to preserve the public peace, health, safety, and welfare of the People of the City of Port Huron.

**Section 15. Effective Date.**

This ordinance shall take effect upon the day of publication thereof; provided; however, it shall cease and be of no effect after thirty (30) days from its adoption unless within said period The Detroit Edison Company shall accept the same in writing filed with the City Clerk and shall continue in effect for a period of thirty (30) years thereafter, subject to revocation at the will of the City. Edison shall pay all costs for publication of this Ordinance.

SUSAN M. CHILD, CMC  
CITY CLERK

ADOPTED: 07/12/10  
PUBLISHED: 07/17/10  
EFFECTIVE: 07/17/10

Adopted by consent.

**MOTIONS & MISCELLANEOUS BUSINESS**

**1. Mayor Repp** announced the following:

A letter was read regarding the series of meetings being held, in accordance with the Americans with Disabilities Act (ADA) to give the community an opportunity to provide suggestions and ask questions on how to remove barriers from, or improve handicap accessibility to, City-owned facilities and during the various programs sponsored by the City. Meetings will be held at the Palmer Park Rec Center, 2829 Armour Street, on July 22 and July 28. Meetings will be held both dates at 3 p.m. and again at 6 p.m. For further information, individuals can contact the Engineering Division at 984-9730. (See City Clerk File #10-79 for a copy of the letter read by the Mayor.)

Congratulations and thanks were expressed to Phil and Kathy Syzak, owners of Powers Hamburgers, for all of the time and effort they put into organizing Cruise Night and all of the activities for the event.

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

SUSAN M. CHILD, CMC  
City Clerk

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**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, July 26, 2010, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.**

The meeting was called to order by Mayor Repp.

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

The minutes of the regular meeting of July 12, 2010, were approved. (NOTE: The minutes as presented by the City Clerk were corrected after the initial vote for approval was taken. The votes listed for Resolution #14 were corrected to reflect that Councilmember Moeller did not support the passage of this resolution.)

**PRESENTATIONS**

1. Mark Bessette, Chairman of the McMorrان Civic Authority, and Randall Fernandez, General Manager, updated the City Council on McMorrان’s status. (See City Clerk File #10-80 for a copy of the slide presentation.)

**PUBLIC AUDIENCES**

1. Kirk Dale commented on his Republican candidacy for House of Representatives.
2. David Ellingwood commented on excessive barking by dogs.
3. Bernard Ellery commented on tax abatements and jobs.
4. The following 15 people commented on problems/issues with the Blue Water Fest event (see City Clerk File #10-100 for more detail on comments made): Darlene Peterson, Angela Kelley, Armstead Diggs, Wing Thiel, Carlos Torres, Linda Whipple, Mike McCauley, Jason Sawyer, Kathleen Thornton, Carl Schoenberg, Brian Lamb, Monica Mercurio, Carol Cataldo, Amy Fick and Sharon Bender.

5. John Moldowan commented on his peddling operation in Thomas Edison Park.
6. Ken Harris commented on the increase in crime in neighborhoods.
7. Bill Senyk commented on the new Drawbridge District, which is between Union and Grand River on Huron Avenue and all of the various types of businesses that are located downtown.
8. Alice O’Neil suggested changing the museum lease to 5 years and expressed support for Randy Fernandez, Blue Water Fest and the sculptures.
9. Sharon Bender gave accolades to the recreation and fire departments for their handling of situations in Lincoln Park.

NOTE: City administration will review the comments and problems that occurred during the Blue Water Fest event and report back to the City Council in the future.

**CONSENT AGENDA**

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

**COMMUNICATIONS & PETITIONS**

**C-1. Councilmember Fisher** moved, seconded by Councilmember Archibald, to receive and file the following communication:

Letter from Citizens for a Vibrant Community expressing their ideas to improve the Blue Water Fest for 2011.

Motion adopted unanimously.

**FROM THE CITY MANAGER**

**\*CM-1.** Both the Michigan Uniform Accounting and Budget Act and the City Charter provides that the City Council may make supplemental appropriations and may transfer an unencumbered balance, or portion thereof, from one activity center, department or fund to another.

It is recommended that the budget for the 2010-2011 fiscal year be amended by adjusting the means of financing and adjusting the estimated requirements for the following funds in order to implement Resolution #6 from June 28, 2010 regarding the Economic Development Alliance of St. Clair County (EDA) and Blue Water Area Chamber of Commerce (BWACC):

	<u>As currently Adopted</u>	<u>Per Proposed Amendment</u>	<u>Increase (Decrease)</u>
<b>LAND PURCHASE FUND:</b>			
Means of financing:			
Estimated designated fund balance	\$ 1,710,186	\$ 1,710,186	\$
Investment income	125,000	125,000	
Rents	185,000	185,000	
Other income	10,000	10,000	
Transfer from other funds	<u>1,309,000</u>	<u>1,309,000</u>	
	<u>\$ 3,339,186</u>	<u>\$ 3,339,186</u>	<u>\$ 0</u>

	<u>As currently Adopted</u>	<u>Per Proposed Amendment</u>	<u>Increase (Decrease)</u>
Estimated requirements:			
Ordinary recurring expenses:			
Contractual services:			
BWACC – Economic Growth	\$	\$ 25,000	\$ 25,000
Engineering and other professional services	25,000	25,000	
Commercial development and promotion activity	50,000	25,000	(25,000)
Transfer to:			
General fund – capital projects	770,000	770,000	
Water fund	1,550,000	1,550,000	
Wastewater fund	700,000	700,000	
Parking fund	88,563	88,563	
Marina fund:			
River Street	<u>130,623</u>	<u>130,623</u>	
	<u>3,314,186</u>	<u>3,314,186</u>	
Capital outlay:	<u>25,000</u>	<u>25,000</u>	
	<u>\$ 3,339,186</u>	<u>\$ 3,339,186</u>	<u>\$ 0</u>
<b>INDUSTRIAL PARK</b>			
<b>TAX INCREMENT FUND:</b>			
Means of financing:			
Estimated designated fund balance	\$ 110,000	\$ 89,000	\$ (21,000)
Property taxes	<u>1,288,000</u>	<u>1,288,000</u>	
	<u>\$ 1,398,000</u>	<u>\$ 1,377,000</u>	<u>\$ (21,000)</u>
Estimated requirements:			
Ordinary recurring expenses:			
Property taxes not captured due to repayment of advances	\$ 1,288,000	\$ 1,288,000	\$
Contractual services:			
Industrial development-EDA	60,000	39,000	(21,000)
Capital outlay	<u>50,000</u>	<u>50,000</u>	
	<u>\$ 1,398,000</u>	<u>\$ 1,377,000</u>	<u>\$ (21,000)</u>
<b>INDUSTRIAL PARK EXPANSION LOCAL</b>			
<b>DEVELOPMENT TAX INCREMENT FUND:</b>			
Means of financing:			
Property taxes	<u>\$ 345,000</u>	<u>\$ 345,000</u>	<u>\$ 0</u>
Estimated requirements:			
Ordinary recurring expenses:			
Contractual services:			
Industrial development-EDA	\$ 40,000	\$ 25,676	\$ (14,324)
Transfer to Land Purchase	255,000	255,000	
Capital outlay	<u>50,000</u>	<u>64,324</u>	<u>14,324</u>
	<u>\$ 345,000</u>	<u>\$ 345,000</u>	<u>\$ 0</u>

City Manager's recommendation adopted by consent.

## RESOLUTIONS

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

WHEREAS, in October 2004 the City used Federal Emergency Management Agency (FEMA) grant funds to purchase Graphical Information System (GIS) computer software to be used in emergency preparedness, and is also used by the engineering, planning and assessing departments; and

WHEREAS, ESRI, Inc., 380 New York St. Redlands California, 92373-8100, is the single source company that provides the annual maintenance which is required to be paid in order to receive periodic updates and enhancements to the software; and

WHEREAS, the annual software maintenance charge is annually included in the Data Processing Department budget;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the Information Technology Director to annually pay the required fee to ESRI, Inc., for the Graphical Information System software maintenance while the City is using this software.

Motion adopted unanimously.

**\*R-2.** WHEREAS, the Municipal Employees Retirement Act provides that an annual meeting of the participating municipalities shall be held each year "for the purpose of selecting nominees for membership on the Retirement Board and to transact such other business as may be required for the proper operation of the Retirement System;" and

WHEREAS, it also provides that the governing body of each participating municipality shall certify to the Board the names of the delegates, one of whom shall be an officer and one an employee to represent said municipality at this meeting; and

WHEREAS, the annual meeting for 2010 has been called for on September 15-17, 2010, at the Radisson Plaza Hotel, Kalamazoo, Michigan; and

WHEREAS, the City Clerk has certified the names of John Zielke as the employee delegate and Tina Stocker as the employee alternate, which were 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 Julie A. Davis as the officer alternate, in accordance with the recommendation of the City Manager.

Adopted by consent.

**\*R-3.** WHEREAS, IAC Port Huron, LLC, 1905 Beard Street, Port Huron, Michigan, has applied for a new Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures) and for a second three-year extension to Certificate No. 2003-215 (Parcel #901-0136-000); 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, public hearings are to be held on the applications; 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 hearings;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules public hearings for August 9, 2010, in order to hear comments on the application of IAC Port Huron, LLC, for a new Industrial Facilities Exemption Certificate and for a second three-year extension to Certificate No. 2003-215 (Parcel #901-0136-000); and

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

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

Adopted by consent.

**\*R-4.** WHEREAS, Resolution #3 was adopted by the Port Huron City Council on June 28, 2010, declaring single lot assessments for the removal of noxious weeds or unlawful growths or blighting factors; and

WHEREAS, the property at 1814 - 17th Street (74-06-98-0019-000, GVB Consulting Service, Inc.) was incorrectly assessed at \$850.00 instead of \$85.00 due to a typographical error; and

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby corrects the single lot assessment for 1814 - 17th (74-06-98-0019-000, GVB Consulting Service, Inc.) from \$850.00 to \$85.00 for the cost of removing noxious weeds or unlawful growths or blighting factors.

Adopted by consent.

**\*R-5.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for removal of noxious weeds or unlawful growths or blighting factors; and

WHEREAS, the costs for removing noxious weeds or unlawful growths or blighting factors shall be assessed to the property owners pursuant to Chapter 22, Sections 22-83 and 22-108, City of Port Huron Code of Ordinances; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot assessments in the total amount of \$3,164.25 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 #10-81)

Adopted by consent.

**\*R-6.** WHEREAS, the City Council has received and considered the attached Preliminary Code Enforcement Report for Code Case #10-006 (see City Clerk File #10-82) from the City's Building Official relating to the following described property and premises within the City of Port Huron, County of St. Clair, State of Michigan:

*Lot 7, including vacated 30th Street adjacent and Lot 8, Block 4, Sturges Plat; also known as 3007 Ravenswood Road (74-06-672-0040-000); 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 August 23, 2010, at 7:00 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, 100 McMorran Boulevard, for the purposes and according to the procedures referred to above; and

2. The City Clerk shall:

(a) Notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's record, at least ten (10) days in advance of the date herein set for such hearing and investigation. The notice shall state that the interested parties will be given the opportunity to state their case for or against bringing this property up to code or demolition of this property, at the time of the public hearing.

(b) Cause a notice to be published in the Times Herald newspaper at least ten (10) days in advance of said hearing. The notice herein required shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Chapter 10, Section 10-211, and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron.

(c) Provide for the recording of such hearings.

Adopted by consent.

**\*R-7.** WHEREAS, the City Council has received and considered the attached Preliminary Code Enforcement Report for Code Case #10-008 (see City Clerk File #10-83) from the City's Building Official relating to the following described property and premises within the City of Port Huron, County of St. Clair, State of Michigan:

*Lots 381, 382, and 383, Block O, 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: 2433/2435 Wright Street (74-06-476-0171-100); 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 August 23, 2010, at 7:00 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, 100 McMorran Boulevard, for the purposes and according to the procedures referred to above; and

2. The City Clerk shall:

(a) Notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's record, at least ten (10) days in advance of the date herein set for such hearing and investigation. The notice shall state that the interested parties will be given the opportunity to state their case for or against bringing this property up to code or demolition of this property, at the time of the public hearing.

(b) Cause a notice to be published in the Times Herald newspaper at least ten (10) days in advance of said hearing. The notice herein required shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Chapter 10, Section 10-211, and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron.

(c) Provide for the recording of such hearings.

Adopted by consent.

**\*R-8.** WHEREAS, the City Council has received and considered the attached Preliminary Code Enforcement Report for Code Case #10-009 (see City Clerk File #10-84) from the City's Building Official relating to the following described property and premises within the City of Port Huron, County of St. Clair, State of Michigan:

*north one-half of west 11 feet of Lot 6 and north one-half Lot 7, Block 143, White Plat; also known as: 604-12th Street (74-06-743-1368-000); 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 August 23, 2010, at 7:00 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, 100 McMorran Boulevard, for the purposes and according to the procedures referred to above; and

2. The City Clerk shall:

(a) Notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's record, at least ten (10) days in advance of the date herein set for such hearing and investigation.

The notice shall state that the interested parties will be given the opportunity to state their case for or against bringing this property up to code or demolition of this property, at the time of the public hearing.

(b) Cause a notice to be published in the Times Herald newspaper at least ten (10) days in advance of said hearing. The notice herein required shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Chapter 10, Section 10-211, and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron.

(c) Provide for the recording of such hearings.

Adopted by consent.

**\*R-9.** WHEREAS, the City Council has received and considered the attached Preliminary Code Enforcement Report for Code Case #10-010 (see City Clerk File #10-85) from the City's Building Official relating to the following described property and premises within the City of Port Huron, County of St. Clair, State of Michigan:

*east three feet of south 41 feet of Lot 13 and south 41 feet of Lot 14, Block 24, White Plat; also known as 1229 - 08th Street (74-06-743-0299-000); 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 August 23, 2010, at 7:00 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, 100 McMorran Boulevard, for the purposes and according to the procedures referred to above; and

2. The City Clerk shall:

(a) Notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's record, at least ten (10) days in advance of the date herein set for such hearing and investigation. The notice shall state that the interested parties will be given the opportunity to state their case for or against bringing this property up to code or demolition of this property, at the time of the public hearing.

(b) Cause a notice to be published in the Times Herald newspaper at least ten (10) days in advance of said hearing. The notice herein required shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Chapter 10, Section 10-211, and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron.

(c) Provide for the recording of such hearings.

Adopted by consent.

**\*R-10.** WHEREAS, the City Council has received and considered the attached Preliminary Code Enforcement Report for Code Case #10-011 (see City Clerk File #10-86) 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 46 feet of north 110 feet of west 10 feet Lot 8 and south 46 feet of north 110 feet Lot 9, Block 17, White Plat, also known as 1008 - 10th Street (74-06-743-0233-000); 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 August 23, 2010, at 7:00 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, 100 McMorran Boulevard, for the purposes and according to the procedures referred to above; and

2. The City Clerk shall:

(a) Notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's record, at least ten (10) days in advance of the date herein set for such hearing and investigation. The notice shall state that the interested parties will be given the opportunity to state their case for or against bringing this property up to code or demolition of this property, at the time of the public hearing.

(b) Cause a notice to be published in the Times Herald newspaper at least ten (10) days in advance of said hearing. The notice herein required shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance

within the meaning of Chapter 10, Section 10-211, and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron.

- (c) Provide for the recording of such hearings

Adopted by consent.

**\*R-11.** WHEREAS, the City Council has received and considered the attached Preliminary Code Enforcement Report for Code Case #10-012 (see City Clerk File #10-87) from the City's Building Official relating to the following described property and premises within the City of Port Huron, County of St. Clair, State of Michigan:

*Lot 17 except west 100 feet and except east 50 feet of west 150 feet of south 100 feet Assessor's Vanness and Moak Plat No. 1; also known as 2953 - 30th Street (74-06-185-0028-000); 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 August 23, 2010, at 7:00 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, 100 McMorrin Boulevard, for the purposes and according to the procedures referred to above; and

2. The City Clerk shall:

(a) Notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's record, at least ten (10) days in advance of the date herein set for such hearing and investigation. The notice shall state that the interested parties will be given the opportunity to state their case for or against bringing this property up to code or demolition of this property, at the time of the public hearing.

(b) Cause a notice to be published in the Times Herald newspaper at least ten (10) days in advance of said hearing. The notice herein required shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Chapter 10, Section 10-211, and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron.

- (c) Provide for the recording of such hearings.

Adopted by consent.

**\*R-12.** WHEREAS, the City Council has received and considered the attached Preliminary Code Enforcement Report for Code Case #10-013, (see City Clerk File #10-88) from the City's Building Official relating to the following described property and premises within the City of Port Huron, County of St. Clair, State of Michigan:

*Lot 17, Block 122 White Plat including west one-half vacated alley adjacent; also known as 1015 Chestnut Street (74-06-743-1088-000); 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 August 23, 2010, at 7:00 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, 100 McMorrin Boulevard, for the purposes and according to the procedures referred to above; and

2. The City Clerk shall:

(a) Notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's record, at least ten (10) days in advance of the date herein set for such hearing and investigation. The notice shall state that the interested parties will be given the opportunity to state their case for or against bringing this property up to code or demolition of this property, at the time of the public hearing.

(b) Cause a notice to be published in the Times Herald newspaper at least ten (10) days in advance of said hearing. The notice herein required shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Chapter 10, Section 10-211, and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron.

- (c) Provide for the recording of such hearings.

Adopted by consent.

**\*R-13.** WHEREAS, the City Council has received and considered the attached Preliminary Code Enforcement Report for Code Case #10-014, (see City Clerk File #10-89) from the City's Building Official relating to the following described property and premises within the City of Port Huron, County of St. Clair, State of Michigan:

*Lot 12 Block 4, Jenkinson & Johnstone's Subdivision of the Thompson Farm; also known as 915 Jenkinson (74-06-449-0043-000); 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 August 23, 2010, at 7:00 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, 100 McMorran Boulevard, for the purposes and according to the procedures referred to above; and

2. The City Clerk shall:

(a) Notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's record, at least ten (10) days in advance of the date herein set for such hearing and investigation. The notice shall state that the interested parties will be given the opportunity to state their case for or against bringing this property up to code or demolition of this property, at the time of the public hearing.

(b) Cause a notice to be published in the Times Herald newspaper at least ten (10) days in advance of said hearing. The notice herein required shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Chapter 10, Section 10-211, and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron.

(c) Provide for the recording of such hearings.

Adopted by consent.

**\*R-14.** WHEREAS, the City Council has received and considered the attached Preliminary Code Enforcement Report for Code Case #10-015, (see City Clerk File #10-90) from the City's Building Official relating to the following described property and premises within the City of Port Huron, County of St. Clair, State of Michigan:

*east 50 feet of west 150 feet of south 100 feet Lot 17, Assessor's Vanness and Moak Plat No. 1; also known as 3005 John L. Portis Drive (74-06-185-0028-100); 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 August 23, 2010, at 7:00 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, 100 McMorran Boulevard, for the purposes and according to the procedures referred to above; and

2. The City Clerk shall:

(a) Notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's record, at least ten (10) days in advance of the date herein set for such hearing and investigation. The notice shall state that the interested parties will be given the opportunity to state their case for or against bringing this property up to code or demolition of this property, at the time of the public hearing.

(b) Cause a notice to be published in the Times Herald newspaper at least ten (10) days in advance of said hearing. The notice herein required shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Chapter 10, Section 10-211, and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron.

(c) Provide for the recording of such hearings.

Adopted by consent.

**\*R-15.** WHEREAS, the City Council has received and considered the attached Preliminary Code Enforcement Report for Code Case #10-016 (see City Clerk File #10-91) from the City's Building Official relating to the following described property and premises within the City of Port Huron, County of St. Clair, State of Michigan:

*Lot 79, Waterloo's Second Addition; also known as 1517 Lapeer Avenue (74-06-722-0076-000); 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 August 23, 2010, at 7:00 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, 100 McMorran Boulevard, for the purposes and according to the procedures referred to above; and

2. The City Clerk shall:

(a) Notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's record, at least ten (10) days in advance of the date herein set for such hearing and investigation. The notice shall state that the interested parties will be given the opportunity to state their case for or against bringing this property up to code or demolition of this property, at the time of the public hearing.

(b) Cause a notice to be published in the Times Herald newspaper at least ten (10) days in advance of said hearing. The notice herein required shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Chapter 10, Section 10-211, and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron.

(c) Provide for the recording of such hearings.

Adopted by consent.

**\*R-16.** WHEREAS, the City Council has received and considered the attached Preliminary Code Enforcement Report for Code Case #10-017 (see City Clerk File #10-92) 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 6 and 7, Block 1, Homeland Plat including west 40 feet of east 140 feet of that part vacated street lying between the extended south line of Lapeer Avenue and said Block 1; also known as 1934/1936 Lapeer Avenue (74-06-434-0006-000); 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 August 23, 2010, at 7:00 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, 100 McMorran Boulevard, for the purposes and according to the procedures referred to above; and

2. The City Clerk shall:

(a) Notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's record, at least ten (10) days in advance of the date herein set for such hearing and investigation. The notice shall state that the interested parties will be given the opportunity to state their case for or against bringing this property up to code or demolition of this property, at the time of the public hearing.

(b) Cause a notice to be published in the Times Herald newspaper at least ten (10) days in advance of said hearing. The notice herein required shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Chapter 10, Section 10-211, and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron.

(c) Provide for the recording of such hearings.

Adopted by consent.

**\*R-17.** WHEREAS, the City Council has received and considered the attached Preliminary Code Enforcement Report for Code Case #10-018 (see City Clerk File #10-93) 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 46.04 feet of Lot 8, Block 1, Homeland Plat including west 20 feet of that part of vacated street lying between the extended south line of Lapeer Avenue and said Block 1; also known as 1938 Lapeer Avenue (74-06-434-0007-000); 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 August 23, 2010, at 7:00 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, 100 McMorran Boulevard, for the purposes and according to the procedures referred to above; and

2. The City Clerk shall:

(a) Notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's record, at least ten (10) days in advance of the date herein set for such hearing and investigation. The notice shall state that the interested parties will be given the opportunity to state their case for or against bringing this property up to code or demolition of this property, at the time of the public hearing.

(b) Cause a notice to be published in the Times Herald newspaper at least ten (10) days in advance of said hearing. The notice herein required shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Chapter 10, Section 10-211, and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron.

(c) Provide for the recording of such hearings.

Adopted by consent.

**\*R-18.** WHEREAS, the City Council has received and considered the attached Preliminary Code Enforcement Report for Code Case #10-020 (see City Clerk File #10-94) 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:

*west 47.3 feet of east 94.6 feet Lots 2 and 3, Block 74, addition to the City of Port Huron, being a subdivision of a portion of Fort Gratiot Military Reservation; also known as 1428 Richardson Street (74-06-366-0006-000); 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 August 23, 2010, at 7:00 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, 100 McMorran Boulevard, for the purposes and according to the procedures referred to above; and

2. The City Clerk shall:

(a) Notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's record, at least ten (10) days in advance of the date herein set for such hearing and investigation. The notice shall state that the interested parties will be given the opportunity to state their case for or against bringing this property up to code or demolition of this property, at the time of the public hearing.

(b) Cause a notice to be published in the Times Herald newspaper at least ten (10) days in advance of said hearing. The notice herein required shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Chapter 10, Section 10-211, and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron.

(c) Provide for the recording of such hearings.

Adopted by consent.

**\*R-19.** WHEREAS, the City Council has received and considered the attached Preliminary Code Enforcement Report for Code Case #10-021 (see City Clerk File #10-95) from the City's Building Official relating to the following described property and premises within the City of Port Huron, County of St. Clair, State of Michigan:

*east nine (9) feet of Lot 40, Lot 41, and west six (6) feet of Lot 42, Block 4, Factory Land Company's Plat No. 2, including one-half of vacated alley adjacent; also known as 2500 Vanness Street (74-06-343-0097-000); 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 August 23, 2010, at 7:00 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, 100 McMorran Boulevard, for the purposes and according to the procedures referred to above; and

2. The City Clerk shall:

(a) Notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's record, at least ten (10) days in

advance of the date herein set for such hearing and investigation. The notice shall state that the interested parties will be given the opportunity to state their case for or against bringing this property up to code or demolition of this property, at the time of the public hearing.

(b) Cause a notice to be published in the Times Herald newspaper at least ten (10) days in advance of said hearing. The notice herein required shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Chapter 10, Section 10-211, and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron.

(c) Provide for the recording of such hearings.

Adopted by consent.

**R-20. Councilmember Miller** moved the adoption of the following resolution, seconded by Councilmember Archibald:

WHEREAS, the City currently provides health care coverage for retirees who are eligible to retire at age 55, but are not yet eligible for Medicare; and

WHEREAS, as part of the federal Affordable Care Act, \$5 billion in financial assistance is being provided to eligible employers, unions and state and local governments to help them maintain coverage for early retirees age 55 and older through the "Early Retiree Reinsurance Program" (ERRP), which is administered through the Department of Health and Human Services; and

WHEREAS, participation in this temporary program will provide a savings to the City and help to reduce retiree health care costs; and

WHEREAS, this program will either end on January 1, 2014, or whenever the financial subsidy is exhausted and it is in the City's best interest to participate in this temporary program as soon as is practical in order to qualify for reimbursement; and

WHEREAS, it will be necessary to enter into partnership agreement with Blue Cross Blue Shield of Michigan (BCBSM), as well as their third party administrator; and

WHEREAS, BCBSM has chosen two third party administrators to coordinate such activities in the State of Michigan: and

WHEREAS, RDS Services, LLC, is the third party administrator that can best coordinate the submission of claims for the City of Port Huron, in conjunction with BCBSM and the Department of Health and Human Services; and

WHEREAS, agreements with BCBSM and RDS Services, LLC, have been prepared;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached agreements with Blue Cross Blue Shield of Michigan and RDS Services, LLC, for participation and coordination of claims for reimbursement under the Early Retiree Reinsurance Program and authorizes the appropriate City officials to execute the agreements. (See City Clerk File #s 10-96 and #10-97); and

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

Motion adopted unanimously.

**R-21. Councilmember Archibald** moved the adoption of the following resolution, seconded by Councilmember Miller:

WHEREAS, on January 1, 1980, the City of Port Huron entered into a lease agreement with the Port Huron Museum of Arts and History for the property commonly known as 1115 Sixth Street, Port Huron, Michigan; and

WHEREAS, the current lease provides for automatic 10-year renewal periods with provisions for either party to terminate the lease arrangement and the City wishes to update the arrangement with the Museum; and

WHEREAS, a new lease agreement has been prepared which provides for a 10-year term beginning January 1, 2010, an automatic extension for an additional 10-year term and provides for other matters such as insurance, building maintenance, responsibilities of each party and the provisions for terminating the lease by either party;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached lease agreement with the Port Huron Museum of Arts and History for the lease of 1115 Sixth Street and authorizes the appropriate City officials to execute the agreement. (See City Clerk File #10-98)

**Councilmember Fisher** moved to amend the resolution and the lease to provide for a 5-year term and an automatic extension of an additional 5-year term.

Motion adopted by the following vote:

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

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

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

**R-22. Councilmember Fisher** moved the adoption of the following resolution, seconded by Councilmember Lewandowski:

WHEREAS, the United States of America has made a considerable financial commitment to expanding the nation's high-speed and intercity passenger rail (HSIPR) network, appropriating \$4 billion last year for both state corridor development efforts and Amtrak state of good repair investments in the FY10 Consolidated Appropriations Act; and

WHEREAS, the Federal Railroad Administration received applications requesting seven times the available funds for the HSIPR ARRA grants; and

WHEREAS, developing this pipeline of national high-speed and intercity passenger rail projects will revitalize the domestic manufacturing industry and create additional American jobs building on the one million good-paying, middle-class creating American jobs that can never be off-shored already supported by the rail industry; and

WHEREAS, ridership on Amtrak grew every year from 2000 through 2008 and is on track in 2010 for its best ridership year ever, which further demonstrates the increased demand for intercity passenger rail services; and

WHEREAS, in highly populated regions Amtrak trains and infrastructure carry intercity passengers and commuters to and from work in congested metropolitan areas, providing a reliable rail option while reducing congestion on roads and in the skies; and

WHEREAS, Amtrak annually provides intercity passenger rail travel to over 25 million Americans residing in 46 states; and

WHEREAS, passenger rail provides a more fuel-efficient transportation system thereby providing cleaner transportation alternatives and energy security; and

WHEREAS, when combined with all modes of transportation, passenger railroads emit only 0.2 percent of the travel industry's total greenhouse gases and one freight train can move a ton of freight 457 miles on one gallon of fuel; and

WHEREAS, our railroad station is a source of civic pride, a gateway to our community and a tool for economic growth that creates transportation-oriented development and livable communities; and

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby supports the Michigan Department of Transportation application for Federal Rail Administration Funding to improve our passenger rail lines and develop high speed rail corridors within the State of Michigan; and

BE IT FURTHER RESOLVED that we recognize and celebrate the pivotal role that a robust intercity passenger rail system can provide for better mobility for persons of all abilities.

Motion adopted by the following vote:

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

**R-23. Councilmember Lewandowski** moved the adoption of the following resolution, seconded by Councilmember Fisher:

WHEREAS, the lighting, heating and cooling infrastructures throughout various City buildings are old and obsolete and new energy-efficient systems are available that have the potential to provide significant cost-savings in future years; and

WHEREAS, the City Council approved a Project Development Agreement with Johnson Controls, Inc., to develop a plan to correct these deficiencies; and

WHEREAS, City staff members have reviewed Johnson Controls, Inc., plan to improve the City's critical energy infrastructure components and recommend that the City proceed with these improvements;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached Performance Contract with Johnson Controls, Inc., for the energy-based performance contracting project development at a cost of \$3,868,559.00 (which will be funded with guaranteed energy savings) and authorizes the appropriate City officials to execute the agreement (see City Clerk File #10-99).

Motion adopted unanimously.

**R-24. Councilmember Fisher** moved the adoption of the following resolution, seconded by Councilmember Miller:

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

WHEREAS, Bank of America, N.A. has presented a proposal to the City to finance the acquisition of the Property by an installment purchase contract under the provisions of Act No. 99, Public Acts of Michigan, 1933, as amended ("Act 99"), and the indicative interest rate for the installment purchase contract as of July 2, 2010 was 4.08%; and

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

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

NOW, THEREFORE, BE IT RESOLVED that:

1. It is hereby found to be necessary and desirable for the City to finance the acquisition of the Property by the City in the aggregate principal amount of not to exceed \$3,868,559 pursuant to the terms and conditions of the Contract; and the City hereby pledges its full faith and credit for the payment of its obligations thereunder.

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

3. The Contract shall be dated the date of delivery thereof to the Bank. The interest rate on the outstanding principal balance of the Contract shall not exceed 5.00% per annum, to be determined by the Mayor and the Director of Finance at the time of entering into the Contract. Principal of the Contract shall be payable in fifteen annual installments on the dates and in the amounts

approved by the Mayor and the Director of Finance; provided, however, that the final payment shall not be later than the fifteenth anniversary date of the Contract. Interest on the unpaid principal of the Contract shall be due and payable annually on each principal payment date. The approvals of the principal installment dates and principal amounts by the Mayor and the Director of Finance required in this paragraph shall be conclusively evidenced by their signatures on the Contract.

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

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

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

7. The City Council hereby designates the Contract as a "qualified tax exempt obligation" for the purpose of deduction of interest expense by financial institutions under Section 265(b)(3)(B) of the Code.

8. The useful life of the Property is determined to be 15 years and upwards.

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

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

Motion adopted unanimously.

#### MOTIONS & MISCELLANEOUS BUSINESS

1. **Mayor Repp** read the following letter: A series of meetings are being held, in accordance with the Americans with Disabilities Act (ADA), to give the community an opportunity to provide suggestions and ask questions on how to remove barriers from, or improve handicap accessibility to, City-owned facilities and during the various programs sponsored by the City. Meetings will be held at the Palmer Park Rec Center, 2829 Armour Street, on July 28 at 3 p.m. and again at 6 p.m. For further information, individuals can contact the Engineering Division at 984-9730. (See City Clerk File #10-79 for a copy of the letter read by the Mayor.)

2. **Councilmember Moeller** asked administration that during discussions with Blue Water Fest that it is relayed to Mr. Witz that the people who worked during this event should be provided with a City income tax form.

3. **Councilmember Archibald** thanked the police and fire departments for the wonderful job they did in letting people know about the approaching storm during Blue Water Fest activities. Their handling of the situation and notifying the citizens eliminated a lot of potential panic.

On motion (9:00 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC  
City Clerk

**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, August 9, 2010, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.**

The meeting was called to order by Mayor Repp.

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

The minutes of the regular meeting of July 26, 2010, were approved.

**PUBLIC HEARINGS**

**1&2. The Mayor** announced that this was the time to hear comments on the application of IAC Port Huron, LLC, 1905 Beard Street, for a new Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures) and on their application for a second, three-year extension of their Industrial Facility Exemption Certificate #2003-215. The following individuals addressed the City Council:

Ken Harris commented on what happens with tax abatements if a company closes.

Tony Schifano provided background information on the tax abatement on behalf of IAC Port Huron, LLC.

Anthony America commented against the tax abatement.

Bernard Ellery commented that it should be required that local people are hired.

**The Mayor** declared the hearings closed and **Councilmember Fisher** moved the adoption of the following two resolutions, seconded by Councilmember Miller:

**PH-1.** WHEREAS, IAC Port Huron, LLC, 1905 Beard Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

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

WHEREAS, the Port Huron City Council held a public hearing on August 9, 2010, 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, 1905 Beard Street, application for an Industrial Facilities Exemption Certificate for six (6) years on personal property and hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the application to the State Tax Commission; and

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

All personal property: 12/31/10 to 12/30/16 (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, Inc., located.

**PH-2.** WHEREAS, in October 2009, the City Council granted a transfer of Industrial Facility Exemption Certificate #2003-215 (Parcel #901-0136-000) from Lear Corporation to IAC Port Huron, LLC, 1905 Beard Street, Port Huron, Michigan, and also granted a three-year extension for this certificate through December 30, 2012; and

WHEREAS, IAC Port Huron, LLC, has submitted a second application for an additional three-year extension of Certificate #2003-215 for facility expansion (machinery, equipment, furniture and fixtures) to extend the certificate through December 30, 2015; and

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

WHEREAS, the Port Huron City Council held a public hearing on August 9, 2010, 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, 1905 Beard Street, application for a second, three-year extension (through December 30, 2015) for Industrial Facilities Exemption #2003-215 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 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, Inc., located.

Public Hearing Resolutions 1 & 2 were adopted unanimously.

**PUBLIC AUDIENCES**

**1.** Bruce Brown, City Manager, gave a brief overview of the one-year rental housing moratorium ordinance. Twenty-four (24) individuals addressed the City Council relative to the proposed ordinance. The following are the comments briefly detailed which have been grouped together by those with concerns and those in support of the proposed ordinance for continuity and are not necessarily listed in the order in which they addressed the Council:

***Comments by those individuals with concerns with the proposed rental ordinance moratorium:***

*Diana Maxwell*, Kimball Township, realtor and former landlord, commented that private property rights should be protected and that homeowners are having a difficult time selling their homes and are renting in the interim and that the rules and regulations already in place should be used first.

*Carol Cataldo*, Garfield Street, former realtor and landlord, commented that the housing stock is older and many homes are on non-conforming lots and that it is difficult to get financing for these homes and that it is not fair to take away the income of property owners.

*Althea Richards*, North River Road, Fort Gratiot Township, discouraged passage of the rental housing ordinance because of the economic hardship it will cause but understands the concern with blight and neglect of properties.

*Dave Castillo*, 23rd Street, real estate agent, commented that many will be affected by the moratorium (attorneys, inspectors, businesses) and that he was upset with the time delay in putting in lights on the viaduct on 24<sup>th</sup> Street.

*Andrea Brieden*, St. Clair, associate broker at Seim Realty, commented that she is working with investors on several properties that will not close until after September 1 and asked if exceptions could be granted for these properties.

*Robert Greene*, West Drive, Clyde Township, commented that the proposal will be detrimental to many people (sellers and renters) and that this might push people out of the City and suggested registration of foreclosures and bringing units up to standards as a more feasible option.

*Jeff Wine*, Edison Boulevard, local realtor, commented that he recognizes that something has to be done, but is concerned with the ordinance and suggested a three-month moratorium be put in place instead and then extended if needed.

*Marc Reno*, local real estate broker, stated concern about the moratorium and the rights of property owners and that lending programs for homeowners should be made available and that more research into the potential effect of a moratorium should be done first.

*Tim Schneider*, who is currently in the United States Military, commented that he owns a home and a duplex here and has concerns with the ordinance and how it will affect his duplex unit and that homeowners also do not take care of their homes.

*Bernard Ellery*, Military Street, commented that bad landlords are the problem and they need to be dealt with instead of stopping new rentals, inspections should be increased and fees charged.

*Betty Ward*, Executive Director, Port Huron Housing Commission, concerned that their federally-funded project that has been started to build 10 to 15 senior units would not be allowed to proceed as certification could not be completed by August 31. Dulhut Village is also going through Phase I of renovation work and concerned that proposed ordinance would not allow this work to continue and would be detrimental to the senior population.

*Matt Wallace*, Huron Avenue business owner, commented that the moratorium will decrease the pool of investors, decrease property values and increase foreclosures and blight and funding

should increase to enforce current ordinances for those landlords not keeping up their properties.

*Angela Kelly*, former homeowner and now rents, commented that use of Section 8 rental vouchers by Detroiters have increased because of the many services offered, more jobs are needed so individuals can buy houses rather than rent, inspectors will not visit rentals with large dogs and wondered how the downtown lofts will be affected.

*John Bambusch*, landlord, commented that he takes care of his rental units and other factors are causing more problems such as the income tax, lack of jobs, low priced homes, etc., and that more comprehensive programs using state, federal and local funding is needed.

*Kathy Schneider*, wife of Tim Schneider who spoke earlier, commented that there are a lot of foreclosures and if renting is restricted there will be a lot more empty homes to deal with.

***Comments by those individuals in support of the proposed rental ordinance moratorium:***

*Rachel and Aaron Cole*, homeowners, expressed support for the rental moratorium and felt that drastic action should be taken against landlords that are not taking care of their rentals.

*Anthony America* expressed support for the rental moratorium and commented about that there are fewer ducks and geese in Thomas Edison Park.

*Bruce Francek*, 8<sup>th</sup> Street, expressed support for the rental moratorium and stated there are a lot of rental units in his neighborhood and the ordinance would give the City an idea of how many of those landlords do not take care of their rentals.

*Ronald Atherton*, 18<sup>th</sup> Street, submitted 43 signatures in favor of establishing a City-wide ordinance in regard to renting of homes and for some type of procedure to be established to regulate rentals so surrounding neighbors have a say to ensure their properties do not decline in value (see City Clerk File #10-101).

*Ken Harris* commented that he has lived in the City for 50 years and in his neighborhood for last 20 years and the City needs to make our neighborhoods friendlier and make landlords maintain their properties. Mr. Harris also commented that the liquor license transfer is for a code case property and that he supports the Quality of Life appointment on the agenda.

*Samantha Lord*, 8<sup>th</sup> Street, expressed support for the moratorium and that the City should not wait until we are at 90% rentals to take action as this would be a disservice to the people living here.

*Darrin Rushing*, Port Huron, Vice Chair of the Quality of Life Commission, expressed support and commented that many landlords do not live here and have no interest in the property other than to make money. Recent renters in his neighborhood have destroyed the home and the City needs to address the social aspects and not just the bottom line investors.

*Alice O'Neil*, Prospect Place, commented that she is a landlord and expressed support for the moratorium and stated that all rentals should be required to be certified and that it has been difficult to compete with non-certified rentals and that people need quality apartments to rent.

Kathleen McCreedy, 14<sup>th</sup> Street, commented that she has lived in her home for over 17 years and she likes living in the City and this ordinance will help to contain the rental situation. The rental homes on Lapeer are in really bad shape maybe landlords will have to think twice about what they are doing if the ordinance is passed.

2. John Roach, Roach Bar, commented that he would like to see some changes next year with the Blue Water Fest event and asked for a meeting to exchange ideas and that he is looking forward to hearing about the findings from this year's event.

3. Carl Schoenberg, Clyde Township, representing Knights of Columbus, thanked the business owner who donated \$2,500 to cover their loss of fundraising dollars during Blue Water Fest.

4. John Moldowan, Johnny Dog, commented on his hot dog peddling operation in Thomas Edison Park.

5. Margaret Enright commented about the City supporting the floatdown.

**CONSENT AGENDA**

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

**FROM THE DIRECTOR OF FINANCE**

\*1. The City of Port Huron Administrative Regulation No. 2.1, "Conflict of Interest Policy", adopted by the City Council on June 14, 1993, provides procedures for reporting of situations where a conflict of interest might exist by certain City officials.

The annual conflict of interest statements were transmitted to each City Council member, the City Manager, department heads, division heads and other individuals required by the City Manager on July 1, 2010. 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 by consent.

**FROM THE CITY MANAGER**

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

On July 13, 2010, the City of Port Huron received four (4) bids for the delivery of rock salt for ice and snow control:

Early Salt Delivery of 2,000 tons

Detroit Salt Company (Detroit, MI)	\$40.04 per ton
Cargill Deicing Technology (North Olmstead, OH)	\$47.52 per ton
Morton Salt (Chicago, IL)	\$57.21 per ton
North American Salt Company (Overland Park, KS)	\$57.73 per ton

Combined with a bid of:

Backup Salt Delivery of 2,500 tons

Cargill Deicing Technology (North Olmstead, OH)	\$47.52 per ton
Detroit Salt Company (Detroit, MI)	\$49.53 per ton
Morton Salt (Chicago, IL)	\$57.21 per ton
North American Salt Company (Overland Park, KS)	\$57.73 per ton

It is recommended that the bid of Detroit Salt Company, 12841 Sanders Street, Detroit, MI 48217, at \$40.04 per ton for early salt delivery and the bid of Cargill Deicing Technology, 24950 Country Club Drive, North Olmstead, OH, at \$47.52 per ton for backup salt delivery be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

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

On April 22, 2010, the City of Port Huron received three (3) unit price bids for City pavement markings. Based on estimated annual quantities, the following is a comparative summary of the bids received:

Michigan Pavement Markings (Wyoming, MI)	\$ 34,550.00
R. S. Contracting Inc. (Casco, MI)	\$ 64,075.00
Clark Highway Services (Lake City, MI)	\$103,350.00

It is recommended that the unit price bid of Michigan Pavement Markings, P. O. Box 9673, Wyoming, Michigan 49509, in the estimated amount of Thirty-Four Thousand Five Hundred Fifty and 00/100 Dollars (\$34,550.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

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

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

On July 20, 2010, the City of Port Huron received three (3) bids for the pedestrian signal upgrade project:

Rauhorn Electric (Macomb, MI)	\$48,782.70
Metropolitan Power & Lighting (Imlay City, MI)	\$77,293.00
J. Ranck Electric (Mt. Pleasant, MI)	\$83,647.44

It is recommended that the bid of Rauhorn Electric, 17171 23 Mile Road, Macomb, Michigan 48042, in the amount of Forty-Eight Thousand Seven Hundred Eighty-Two and 70/100 Dollars (\$48,782.70) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

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

## RESOLUTIONS

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

BE IT RESOLVED that the Finance Director is hereby authorized to pay the attached payments. (See City Clerk File #10-01)

Motion adopted unanimously.

**\*R-2. WHEREAS**, the City Manager has issued Temporary Traffic Control Order No. 1241 effective June 17, 2010, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

RESCISSION - The following Traffic Control Order shall be rescinded:

### MILITARY STREET:

1061: There shall be a parking time limit of 30 minutes only on the east side of Military Street from Chestnut Street to Court Street

NOW, THEREFORE, BE IT RESOLVED that Traffic Control Order No. 1241 is hereby made permanent until such time as it is modified or repealed and that Traffic Control Order No. 1061 is hereby rescinded in order to effectuate this new traffic order; and

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

Adopted by consent.

**\*R-3. WHEREAS**, the City Manager has issued Temporary Traffic Control Order No. 1242 effective June 17, 2010, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

RESCISSION - The following Traffic Control Orders shall be rescinded:

### GRISWOLD STREET

230-A: Parking shall be prohibited on the north side of Griswold Street from 10th to 11th Streets.

306-A: There shall be no parking on the north side of Griswold for a distance of 142 feet west of the westerly curb of 10th Street.

306-B: A bus loading zone, Monday through Friday, shall be established for a distance of 60 feet west of the no parking zone.

NOW, THEREFORE, BE IT RESOLVED that Traffic Control Order No. 1242 is hereby made permanent until such time as it is modified or repealed and that Traffic Control Order Nos. 230-A, 306-A and 306-B are hereby rescinded in order to effectuate this new traffic order; and

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

Adopted by consent.

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

BE IT RESOLVED THAT, the following taxi cab licenses for 2010-11 (November 1, 2010, through October 31, 2011) are hereby approved subject to the condition that the licenses are issued only upon receipt of proper application in accordance with Chapter 12 of the Port Huron City Code:

10 licenses - Acme Cab Company (Robert Boyd)  
 10 licenses - City Cab of Port Huron, Inc. (Dennis Cooper)  
 4 licenses - Port Huron Cab (Donald J. Swinson)

Motion adopted by the following vote:

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

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

WHEREAS, the City of Port Huron and the St. Clair County support the restoration of the Fort Gratiot Lighthouse; and

WHEREAS, the City applied for a National Park Service Grant under the FY 2006 Federal Save America's Treasures Grant program, however, the City was unable to comply with certain conditions of the deed under which the City would have taken ownership of the Fort Gratiot Lighthouse; and

WHEREAS, St. Clair County through the St. Clair County Parks and Recreation Commission, negotiated an agreement with the National Park Service to acquire the Fort Gratiot Lighthouse instead as the County is in a position to make commitments required to accept the deed for the Fort Gratiot Lighthouse; and

WHEREAS, since St. Clair County Parks and Recreation Commission will be taking ownership of the Fort Gratiot Lighthouse, the City and County are entering into an agreement to facilitate the receipt of the grant for preservation work to be performed on the Fort Gratiot Lighthouse by the County;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached Sub-Recipient Agreement with St. Clair County, which will facilitate the receipt of the National Park Service Grant for preservation work to be performed on the Fort Gratiot Lighthouse by St. Clair County, and authorizes the appropriate City officials to execute the agreement. (See City Clerk File #10-102).

Motion adopted unanimously.

**\*R-6.** WHEREAS, costs totaling Twenty-Three Thousand Nine Hundred Seventy-Three and 70/100 Dollars (\$23,973.70) have been incurred by the City of Port Huron for demolition proceedings on the following described property LOT 7, EX S 113.06 FT BLK 141 WHITE PLAT, further described as 1136 Lapeer Avenue/702-704 12<sup>th</sup> Street, property no. 74-06-743-1326-000;

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

NOW, THEREFORE, BE IT RESOLVED that the amount of Twenty-Three Thousand Nine Hundred Seventy-Three and 70/100 Dollars (\$23,973.70) for demolition proceedings of the structure at 1136 Lapeer Avenue/702-704 12<sup>th</sup> Street is hereby confirmed and declared a single lot special assessment.

Adopted by consent.

**\*R-7.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for removal of noxious weeds or unlawful growths or blighting factors; and

WHEREAS, the costs for removing noxious weeds or unlawful growths or blighting factors shall be assessed to the property owners pursuant to Chapter 22, Sections 22-83 and 22-108, City of Port Huron Code of Ordinances; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot assessments in the total amount of \$2,844.60 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 #10-103).

Adopted by consent.

**\*R-8.** WHEREAS, the City of Port Huron does wish to decertify a portion of Elmwood Street. This decertification of Elmwood Street is located between Forest Street and Thomas Edison Parkway for a total decertification length of 412 feet.

Adopted by consent.

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

WHEREAS, there has been a contract (#10-5482) prepared between the City of Port Huron and the Michigan Department of Transportation (MDOT) for the purpose of fixing the rights and obligations of the parties in agreeing to future improvements on the Blue Water Bridge; and

WHEREAS, MDOT is planning future improvements to the Blue Water Bridge plaza and has received approval for the proposed expansion of the Blue Water Bridge Port of Entry area by the Federal Highway Administration (FHWA) through the Record of Decision "ROD"; and

WHEREAS, in order to offset potential economic hardships to the CITY due to the construction activities and loss of property required for the future Blue Water Bridge Plaza improvements, the Project Mitigation Summary "Green Sheet" places requirements upon MDOT to fund an Economic Development Plan; and

WHEREAS, the Economic Development plan has been completed; and

WHEREAS, the term "Project Cost" is defined as the cost as directed by the ROD for the funding of economic development services to fund the implementation of the economic development plans and any and all other expenses in connection with the project; and

WHEREAS, the project cost is fixed in the amount of \$1,000,000 and shall be met in its entirety by contributions from MDOT in the amount of \$100,000 per year for each of the next ten years;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the contract with the Michigan Department of Transportation for the proposed expansion of the Blue Water Bridge Port of Entry area by the Federal Highway Administration through the Record of Decision and authorizes the appropriate City officials to execute said agreement (see City Clerk File #10-104); and

BE IT FURTHER RESOLVED the City will comply with the terms of this agreement regarding the documentation and the use of these funds.

Motion adopted unanimously.

**\*R-10.** WHEREAS, the Michigan Liquor Control Commission has received a request from John W. Sanderson to transfer ownership of a 2009 Class C licensed business, located at 1934 Lapeer Avenue, from Gregory L.Crandall;

NOW, THEREFORE, BE IT RESOLVED that it is the consensus of the Port Huron City Council that the application be recommended for issuance by the Michigan Liquor Control Commission.

Adopted by consent.

**\*R-11.** WHEREAS, on January 26, 2009, the City Council adopted Resolution #8 approving the sale of various non-buildable City-owned vacant lots to adjacent property owners as follows:

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

WHEREAS, the purchaser (Massive Impact Housing) of the parcel located at 30th Street between Little and Moak Streets (74-06-186-0056-000) is not able to finalize the sale of the property due to bankruptcy proceedings; and

WHEREAS, the remaining adjacent property owner is unable to purchase the property at this time;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby rescinds the sale of the non-buildable vacant lot located at 30th Street between Little and Moak Streets (74-06-186-0056-000).

Adopted by consent.

**\*R-12.** WHEREAS, on October 12, 2009, the City Council adopted Resolution #5 approving the sale of one (1) non-buildable City-owned vacant lot to the two adjacent property owners as follows:

Lot Portion Description	Name	Sale Amount
The north 12 feet of the west 70.5 feet of Lot 370, Block O, Plat of that portion of the Lighthouse Reservation at Fort Gratiot. <i>Lot size: 12' x 70.5' = 846 square feet</i>	Michel & Stella Johnson	\$250.00
The south 13 feet of the west 70.5 feet of Lot 370 and the west 70.5 feet of Lot 371, Block O, Plat of that portion of the Lighthouse Reservation at Fort Gratiot. <i>Lot size: 38' x 70.5' = 2,679 square feet</i>	Francis & Jeanne Giacalone	\$750.00

WHEREAS, City staff has attempted on several occasions to arrange for payment from Mr. and Mrs. Johnson for the portion they desired to purchase with no response; and

WHEREAS, Mr. and Mrs. Giacalone wish to purchase the remaining portion of the City's lot;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby rescinds the sale of the vacant lot to Mr. and Mrs. Johnson as shown above and approves the sale of the remaining portion of the vacant lot to the Mr. and Mrs. Giacalone to be conveyed by a Quit Claim Deed, contingent upon the individuals and/or entities being current in their obligations to the City concerning any special assessments and/or property taxes;

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

Adopted by consent.

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

WHEREAS, the City Council adopted Resolution #2 on May 26, 2009, approving a lease agreement with MetroPCS Michigan, Inc., to locate a "stealth" cellular telephone antennae at the Court Street Pool site; and

WHEREAS, TowerCo II, LLC (successor in interest to MetroPCS Michigan, Inc.), desires to amend the lease agreement by increasing the square footage of the leased area by approximately 190 square feet for a total leased area of 959 square feet for the purpose of subleasing the site to Verizon;

WHEREAS, TowerCo II, LLC has agreed to provide the City of Port Huron with twenty-five percent (25%) of any rents received from Verizon by Tower;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached "Amendment to Communications Site Lease Agreement" TowerCo II, LLC (successor in interest to MetroPCS Michigan, Inc.) for the space at the Court Street Pool site and authorizes the appropriate City Officials to execute said agreement. (See City Clerk File #10-105).

Motion adopted unanimously.

**\*R-14.** WHEREAS, the Port Huron City Council created a Quality of Life Commission at its meeting held on September 14, 2009; and

WHEREAS, the members of the Quality of Life Commission are appointed by the City Manager with the approval of the City Council; and

WHEREAS, there is currently a vacancy for an at-large member;

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

Adopted by consent.

## ORDINANCES

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

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAP, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING VARIOUS PROPERTIES GENERALLY DESCRIBED AS THE AREA BETWEEN CONNER STREET AND NORTH BOULEVARD DIRECTLY WEST OF ELECTRIC AVENUE FROM AN R-1 (SINGLE- AND TWO-FAMILY RESIDENTIAL) ZONING DISTRICT TO A C-1 (GENERAL BUSINESS) ZONING DISTRICT

Motion adopted unanimously.

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

AN ORDINANCE TO AMEND CHAPTER 10, BUILDINGS AND BUILDING REGULATIONS, ARTICLE V, RENTAL CERTIFICATION, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF ESTABLISHING A ONE YEAR MORATORIUM ON NEW RESIDENTIAL RENTAL UNIT CERTIFICATIONS AND AMENDING THE SECTION PERTAINING TO RENTAL CERTIFICATION.

Motion adopted by the following vote:

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

## MOTIONS & MISCELLANEOUS BUSINESS

**1. Mayor Repp** announced the following: Meetings will be held at the M.O.C., Public Meeting Room, on August 17, 2010, at 3 p.m. and 6 p.m. to give interested persons and groups an opportunity to provide comments and suggestions concerning the reconstruction of Water Street from 10<sup>th</sup> Street west to the City limits.

**2. Councilmember Moeller** asked administration to look into selling this building and purchasing the Fogcutter Building on Michigan Street.

**3. Councilmember Archibald** mentioned a free training session entitled "Poverty 101" is being held on September 8 and is for anyone who cares about those in our community who are in poverty and want to help. On September 9, another free conference opportunity entitled "For Low-Income Residents to Learn How to Move...From Poverty to Success" will be held. The Community Action Agency can be contacted for more information on either event.

**4. Councilmember Fisher** mentioned that Port Huron is featured above the fold line in the USA Today newspaper due to our connections with the Pure Michigan campaign and includes the recently held Blue Water Fest event.

On motion (9:35 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC  
City Clerk

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**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, August 23, 2010, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.**

The meeting was called to order by Mayor Repp.

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

The minutes of the regular meeting of August 9, 2010, were approved.

**PRESENTATIONS**

**1. Councilmember Archibald** moved, seconded by Councilmember Lewandowski, and adopted unanimously to add to the agenda a Fox 2 News Zip Trip video presentation featuring Port Huron and the Blue Water Fest event, followed by the City Manager’s response to comments concerning issues with the Blue Water Fest (See City Clerk File #10-106).

NOTE: Councilmember Moeller raised a point of order regarding the removal by administration of the rental moratorium ordinance and that Council should have been given the chance to decide whether or not to delay the item. The ordinance will be brought back for consideration at the September 27, 2010, regular meeting.

**PUBLIC HEARINGS**

**1. The Mayor** announced that this was the time to hear comments on Code Case #10-006, 3007 Ravenswood Road, to determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211, and Chapter 34, Section 34-3, of the Port Huron City Code.

Kim Harmer, Planning Director, gave a brief history and overview of the property conditions and stated that Mr. Will, the owner of the property, has decided to demolish the property himself and has secured a demolition permit.

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

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

*Lot 7, including vacated 30th Street adjacent and Lot 8, Block 4, Sturges Plat; also known as 3007 Ravenswood Road (74-06-672-0040-000); and*

has been brought to the attention of the City Council by the Building Official as Code Case #10-006 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 July 26, 2010, with respect to said property, it is the judgment of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, Section 10-211 and Chapter 34, Section 34-3 of the Code of Ordinances of the City of Port Huron;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the above-described property is of such condition as to constitute a nuisance within the meaning and definition of Chapter 10, Section 10-211 and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron and contains the following code violations:

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

2. As property owner has entered into a Work Agreement dated August 13, 2010, with the City to abate the nuisance at subject property, with specific completion dates, if said dates are not met in accordance with the Work Agreement, the City Manager is directed to cause the abatement of such conditions and nuisance by **immediate demolition**.

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

4. That the City Manager is hereby authorized to solicit and receive bids in order that the City is in position to move promptly to carry out the direction of the City Council as provided herein.

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

Motion adopted unanimously.

**2. The Mayor** announced that this was the time to hear comments on Code Case #10-008, 2433/2435 Wright Street, to determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211, and Chapter 34, Section 34-3, of the Port Huron City Code.

Ken Harris, Wells Street, commented that the property owner should be required to go above and beyond the code requirements.

Kim Harmer, Planning Director, gave a brief history and overview of the property conditions and stated that a work agreement for the necessary repairs was entered into by the property owners last week. She requested that City Council postpone action for 60 days pending a progress report on the status of the work agreement.

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

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

*Lots 381, 382, and 383, Block O, 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: 2433/2435 Wright Street (74-06-476-0171-100); and*

has been brought to the attention of the City Council by the Building Official as Code Case #10-008 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 July 26, 2010, 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:

Building  Electrical  Plumbing  Heating

2. As property owner has entered into a Work Agreement dated August 17, 2010, with the City to abate the nuisance at subject property, with specific completion dates, if said dates are not met in accordance with the Work Agreement, the City Manager is 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 Archibald** moved to *postpone* action until October 25, 2010, seconded by Councilmember Miller.

Motion *rejected* by the following vote:

No: Mayor Repp; Councilmembers Lewandowski, Moeller and Ruiz.

Yes: Councilmembers Archibald, Fisher and Miller.

Absent: None.

**Councilmember Moeller** moved to amend the resolution to substitute the second numbered paragraph with the following: "2. That the City Manager is directed to cause the abatement of such conditions and nuisance by immediate demolition," seconded by Councilmember Lewandowski.

Motion adopted by the following vote:

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

No: Councilmembers Archibald, Fisher and Miller.

Absent: None.

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

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

No: Councilmembers Archibald, Fisher and Miller.

Absent: None.

**3. The Mayor** announced that this was the time to hear comments on Code Case #10-009, 604 – 12th Street, to determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211, and Chapter 34, Section 34-3, of the Port Huron City Code.

Kathleen McCready, 14<sup>th</sup> Street, asked that the home be demolished immediately and if not possible if it could be boarded up because people are going inside. She also stated her comments apply to Public Hearings #5, #10, #11 and #12.

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

Bernard Ellery, Military Street, commented that he hopes that the property owners are charged for the costs and that the City is actively seeking restitution from the property owners who have abandoned our community.

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

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

*north one-half of west 11 feet of Lot 6 and north one-half Lot 7, Block 143, White Plat; also known as: 604-12th Street (74-06-743-1368-000); and*

has been brought to the attention of the City Council by the Building Official as Code Case #10-009 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 July 26, 2010, 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 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.

BE IT FURTHER RESOLVED that costs for asbestos abatement and demolition are authorized in an amount not to exceed \$20,000.00.

Motion adopted unanimously.

4. **The Mayor** announced that this was the time to hear comments on Code Case #10-010, 1229 – 8th Street, to determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211, and Chapter 34, Section 34-3, of the Port Huron City Code.

Joe Bauer, Bauer Reno & Associates, and as an agent for FDIC representing the property, asked for a 30-day postponement so they may locate a buyer to enter into a work agreement to complete repairs or if not successful, to obtain a demolition permit.

Kim Harmer, Planning Director, gave a brief history and overview of the property conditions and asked Council if the matter is approved for immediate demolition that Council also add a contingency that the local Historic District Commission be given a chance to give local approval.

Bill Francek, 8<sup>th</sup> Street, commented that this house is next to his and the house is full of trash with animals going in and out, that the porch has been only partially repaired, that it is in terrible condition and is an eyesore in the neighborhood.

**The Mayor** declared the hearing closed and **Councilmember Miller** moved to *postpone* action for 30 days on this matter, seconded by Councilmember Lewandowski.

Motion *rejected* by the following vote:

No: Mayor Repp; Councilmembers Archibald, Lewandowski, Moeller and Ruiz.

Yes: Councilmembers Fisher and Miller.

Absent: None.

**Councilmember Moeller** moved the adoption of the following resolution, seconded by Councilmember Lewandowski:

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

*east three feet of south 41 feet of Lot 13 and south 41 feet of Lot 14, Block 24, White Plat*; also known as 1229 - 08th Street (74-06-743-0299-000); and

has been brought to the attention of the City Council by the Building Official as Code Case #10-010 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 July 26, 2010, 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 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.

BE IT FURTHER RESOLVED that costs for asbestos abatement and demolition are authorized in an amount not to exceed \$20,000.00.

Motion adopted by the following vote:

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

**5. The Mayor** announced that this was the time to hear comments on Code Case #10-011, 1008 10th Street, to determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211, and Chapter 34, Section 34-3, of the Port Huron City Code.

Murray McNeill commented that he sold this house several years ago to Sherry Allen's parent and that they assigned the land contract to Sherry, who then assigned it to her brother. The City's notice letter was sent to him as a matter of courtesy and he attempted to apply for a permit and was denied because he did not own the property. Last week Ms. Allen assigned the home back to Mr. McNeill and he wants to repair the home.

Kim Harmer, Planning Director, gave a brief history and overview of the property conditions and stated that she would not recommend that a work agreement be approved with Mr. McNeill as he has several previously signed work agreements that have not been completed and has another property that the City has taken him to court on.

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

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

*south 46 feet of north 110 feet of west 10 feet Lot 8 and south 46 feet of north 110 feet Lot 9, Block 17, White Plat, also known as 1008 - 10th Street (74-06-743-0233-000); and*

has been brought to the attention of the City Council by the Building Official as Code Case #10-011 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 July 26, 2010, 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 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.

BE IT FURTHER RESOLVED that costs for asbestos abatement and demolition are authorized in an amount not to exceed \$20,000.00.

Motion adopted unanimously.

**6. The Mayor** announced that this was the time to hear comments on Code Case #10-012, 2953 - 30th Street, to determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211, and Chapter 34, Section 34-3, of the Port Huron City Code.

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

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

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

*Lot 17 except west 100 feet and except east 50 feet of west 150 feet of south 100 feet Assessor's Vanness and Moak Plat No. 1; also known as 2953 - 30th Street (74-06-185-0028-000); and*

has been brought to the attention of the City Council by the Building Official as Code Case #10-012 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 July 26, 2010, 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 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.

BE IT FURTHER RESOLVED that costs for asbestos abatement and demolition are authorized in an amount not to exceed \$20,000.00.

Motion adopted unanimously.

7. **The Mayor** announced that this was the time to hear comments on Code Case #10-013, 1015 Chestnut Street, to determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211, and Chapter 34, Section 34-3, of the Port Huron City Code.

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

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

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

*Lot 17, Block 122 White Plat including west one-half vacated alley adjacent;* also known as 1015 Chestnut Street (74-06-743-1088-000); and

has been brought to the attention of the City Council by the Building Official as Code Case #10-013 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 July 26, 2010, 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 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.

BE IT FURTHER RESOLVED that costs for asbestos abatement and demolition are authorized in an amount not to exceed \$20,000.00.

Motion adopted unanimously.

**8. The Mayor** announced that this was the time to hear comments on Code Case #10-014, 915 Jenkinson Street, to determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211, and Chapter 34, Section 34-3, of the Port Huron City Code.

Ed Maul, Trott and Trott, and on behalf of MSHDA, commented that they recently acquired the property. There was a mortgage on this property and it was foreclosed on last October. When it was discovered that there was a tenant, following federal law, a 90-day notice was given to the tenants. MSHDA then hired Five Brothers to secure and clean up the property. Five Brothers has already done a lot of work to the home and would like to work out a satisfactory resolution to complete the repairs.

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

**The Mayor** declared the hearing closed and **Councilmember Moeller** moved to *postpone* action until the September 13, 2010, meeting, seconded by Councilmember Miller.

Motion *rejected* by the following vote:

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

**Councilmember Lewandowski** moved for the adoption of the following resolution, seconded by Councilmember Ruiz:

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

*Lot 12 Block 4, Jenkinson & Johnstone's Subdivision of the Thompson Farm; also known as 915 Jenkinson (74-06-449-0043-000); and*

has been brought to the attention of the City Council by the Building Official as Code Case #10-014 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 July 26, 2010, 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 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.

BE IT FURTHER RESOLVED that costs for asbestos abatement and demolition are authorized in an amount not to exceed \$20,000.00.

Motion adopted by the following vote:

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

**9. The Mayor** announced that this was the time to hear comments on Code Case #10-015, 3005 John L. Portis Drive, to determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211, and Chapter 34, Section 34-3, of the Port Huron City Code.

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

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

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

*east 50 feet of west 150 feet of south 100 feet Lot 17, Assessor's Vanes and Omak Plat No. 1; also known as 3005 John L. Ports Drive (74-06-185-0028-100); and*

has been brought to the attention of the City Council by the Building Official as Code Case #10-015 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 July 26, 2010, 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 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.

BE IT FURTHER RESOLVED that costs for asbestos abatement and demolition are authorized in an amount not to exceed \$20,000.00.

Motion adopted unanimously.

**10. The Mayor** announced that this was the time to hear comments on Code Case #10-016, 1517 Lapeer Avenue, to determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211, and Chapter 34, Section 34-3, of the Port Huron City Code.

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

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

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

*Lot 79, Waterloo's Second Addition; also known as 1517 Lapeer Avenue (74-06-722-0076-000); and*

has been brought to the attention of the City Council by the Building Official as Code Case #10-016 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 July 26, 2010, 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 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.

BE IT FURTHER RESOLVED that costs for asbestos abatement and demolition are authorized in an amount not to exceed \$20,000.00.

Motion adopted unanimously.

**11. The Mayor** announced that this was the time to hear comments on Code Case #10-017, 1934/1936 Lapeer Avenue, to determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211, and Chapter 34, Section 34-3, of the Port Huron City Code.

Ken Harris, resident of the area, commented that the Planning Department's recommendation to demolish the buildings should be followed and that Mueller Brass and the trucking company have done a lot recently to improve the neighborhood and this particular company has done nothing.

Kim Harmer, Planning Director, gave a brief history and overview of the property conditions, along with 1938 Lapeer Avenue. She stated that there are three addresses at this location, but that it has two property descriptions and thus the reason for two resolutions. She stated that there was a fire in 2008 in the back apartment and because the apartments have not been certified and have been vacant, the apartments cannot remain; however, the building can be used for a commercial business. The properties are under litigation and the court has appointed John McNamee to facilitate disposition of the building. There is a potential buyer and they have agreed to enter into a work agreement with the City. The Court must approve the sale before the transfer can be completed. A court hearing is scheduled for August 30 regarding the sale. Ms. Harmer recommends that Council consider postponing the resolution for 60 days to allow the court to make a decision on the offer to purchase and to allow the buyer to enter into an agreement with the City. If the Court does not approve the sale, then staff will come back and ask for immediate demolition.

**The Mayor** declared the hearing closed and **Councilmember Moeller** moved to *postpone* action until the September 13, 2010, meeting so the matter can proceed through the legal process, seconded by Councilmember Miller:

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

*Lots 6 and 7, Block 1, Homeland Plat including west 40 feet of east 140 feet of that part vacated street lying between the extended south line of Lapeer Avenue and said Block 1; also known as 1934/1936 Lapeer Avenue (74-06-434-0006-000); and*

has been brought to the attention of the City Council by the Building Official as Code Case #10-017 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 July 26, 2010, 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 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.

BE IT FURTHER RESOLVED that costs for asbestos abatement and demolition are authorized in an amount not to exceed \$20,000.00.

Motion to *postpone* until September 13 adopted unanimously.

**12. The Mayor** announced that this was the time to hear comments on Code Case #10-018, 1938 Lapeer Avenue, to determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211, and Chapter 34, Section 34-3, of the Port Huron City Code.

Kim Harmer, Planning Director, requested the same postponement consideration that Council gave to Public Hearing #11.

**The Mayor** declared the hearing closed and **Councilmember Moeller** moved to *postpone* action until the September 13, 2010, meeting so the matter can proceed through the legal process, seconded by Councilmember Miller:

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

*North 46.04 feet of Lot 8, Block 1, Homeland Plat including west 20 feet of that part of vacated street lying between the extended south line of Lapeer Avenue and said Block 1; also known as 1938 Lapeer Avenue (74-06-434-0007-000); and*

has been brought to the attention of the City Council by the Building Official as Code Case #10-018 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 July 26, 2010, 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 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.

BE IT FURTHER RESOLVED that costs for asbestos abatement and demolition are authorized in an amount not to exceed \$20,000.00.

Motion to *postpone* until September 13 adopted unanimously.

**13. The Mayor** announced that this was the time to hear comments on Code Case #10-020, 1428 Richardson Street, to determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211, and Chapter 34, Section 34-3, of the Port Huron City Code.

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

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

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

*west 47.3 feet of east 94.6 feet Lots 2 and 3, Block 74, addition to the City of Port Huron, being a subdivision of a portion of Fort Gratiot Military Reservation; also known as 1428 Richardson Street (74-06-366-0006-000); and*

has been brought to the attention of the City Council by the Building Official as Code Case #10-020 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 July 26, 2010, 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 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.

BE IT FURTHER RESOLVED that costs for asbestos abatement and demolition are authorized in an amount not to exceed \$20,000.00.

Motion adopted unanimously.

**14. The Mayor** announced that this was the time to hear comments on Code Case #10-021, 2500 Vanness Street, to determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211, and Chapter 34, Section 34-3, of the Port Huron City Code.

Kim Harmer, Planning Director, gave a brief history and overview of the property conditions. The property is owned by the County and the City was waiting for NSP funding to help with demolition costs, however, it has not come through and she recommends proceeding with the demolition.

Bernard Ellery, Military Street, commented that he is ashamed that it has taken the City so long to demolish this home and that the inspectors should be watching homes in disrepair. He also commented that it should be mentioned on the agenda whether these code cases are owner-occupied or rentals. The City should also pursue assets from out-of-state property owners for the costs associated with these demolitions.

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

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

*east nine (9) feet of Lot 40, Lot 41, and west six (6) feet of Lot 42, Block 4, Factory Land Company's Plat No. 2, including one-half of vacated alley adjacent; also known as 2500 Vanness Street (74-06-343-0097-000); and*

has been brought to the attention of the City Council by the Building Official as Code Case #10-021 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 July 26, 2010, 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 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.

BE IT FURTHER RESOLVED that costs for asbestos abatement and demolition are authorized in an amount not to exceed \$20,000.00.

Motion adopted unanimously.

### PUBLIC AUDIENCES

1. The following 10 people commented in disagreement with items contained in the City Manager's presentation on the Blue Water Fest: Wing Thiel (Riverside Drive); Darlene Peterson (Riverside Drive), Angela Kelley (community liaison); Linda Whipple (219 Huron Avenue business owner); Jeannine Capadagli (Artistic Images); Mike McCauley (Citizens for a Vibrant Community and Just in Time Concessions business owner); Kathy Thornton (Golden Girls Hairstyling); Carol Cataldo (Garfield Street); Carl Schoenberg (nonprofit groups); and Monica Mercurio (boat slip renter).

2. Bernard Ellery, Military Street, commented that a letter should be drafted to U. S. Representative Candice Miller requesting support of legislation to increase the amount of weeks for unemployment benefits. He also commented that the industrial park should be made into a tax free zone to encourage businesses to locate in the park with the mandate that these businesses hire people from Port Huron or St. Clair County.

3. Craig Matthews, Varney Street, commented that he supports limiting the number of rental certificates issued in this neighborhood and he provided pictures of homes that he believes clearly show which ones are owner occupied and which ones are rentals by their outside conditions.

4. Melinda Johnson, Executive Director of the Community Action Agency of St. Clair County, provided details for the free training for professionals and conference sessions for those in poverty they are hosting on September 7 - 9 at McMorran Place which are geared toward helping people out of poverty situations.

5. Margaret Enright commented about the cancellation of the float down event.

6. The following two individuals commented in support of Jonathan Witz organizing the Blue Water Fest next year: Scott Babin and Larry Babin.

7. Ken Harris, Wells Street, commented that he would like to know if local vendors will be awarded the bids on the agenda to help local businesses.

8. Anthony America, Port Huron, commented about the status of the money given to the aquarium people.

**CONSENT AGENDA**

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

**FROM THE CITY MANAGER**

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

On August 11, 2010, the City of Port Huron received the results of the State of Michigan MIDEAL Purchasing Program bids for three (3) 2011 Crown Victoria police patrol cars:

Gorno Ford, Inc.(Woodhaven, MI)      \$21,072.00 each

It is recommended that the bid of Gorno Ford, Inc., 22025 Allen Road, Woodhaven, Michigan 48183, in the amount of Sixty-Three Thousand Two Hundred Sixteen and 00/100 Dollars (\$63,216.00) be accepted, in accordance with the State of Michigan MIDEAL Purchasing Program, and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

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

On August 11, 2010, the City of Port Huron received six (6) bids for Water Filtration Plant Loading Dock Repairs:

Hinojosa Construction, LLC (Croswell, MI)	\$ 9,800.00
Hammars Contracting LLC (Smiths Creek, MI)	\$10,846.00
Boddy Construction Company (Port Huron Twp., MI)	\$14,674.00
Larry Builte Construction, Inc. (Port Huron, MI)	\$17,981.00
M One Limited, Inc. (Detroit, MI)	\$24,710.00
D. S. Riedel Construction Co. (St. Clair, MI)	\$27,600.00

It is recommended that the bid of Hinojosa Construction, LLC, 209 Melvin Street, Croswell, Michigan, 48422 in the amount of Nine Thousand Eight Hundred and 00/100 Dollars (\$9,800.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

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

On August 11, 2010, the City of Port Huron received three (3) bids for 28,000 lbs of sodium silicofluoride for the Water Treatment Plant. The material bid was required to meet American Water Works Association (AWWA) specifications and National Sanitation Foundation (NSF) standards.

Univar U. S. A. (Romulus, MI)	\$11,760.00
PVS-Nolwood Chemicals, Inc. (Detroit, MI)	\$17,080.00
JCI Jones Chemicals, Inc. (Riverview, MI)	No Bid

It is recommended that the bid of Univar U. S. A., 13395 S. Huron River Drive, Romulus, Michigan 48174, in the amount of Eleven Thousand Seven Hundred Sixty and 00/100 Dollars (\$11,760.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

**CM-4. Councilmember Miller** moved the adoption of the following City Manager's recommendation, seconded by Councilmember Archibald:

On August 11, 2010, the City of Port Huron received four (4) bids for the removal and replacement of miscellaneous concrete curb and gutter and street reconstruction along the Thomas Edison Parkway from Edison Shores Street northerly to Elmwood Street:

Ace Asphalt & Paving Co. (Flint, MI)	\$252,599.30
Pro-Line Asphalt Paving Corp. (Washington, MI)	\$276,909.03
Raymond Excavating Company (Marysville, MI)	\$278,430.90
Boddy Construction Company, Inc. (Port Huron Twp., MI)	\$293,278.77

It is recommended that the bid of Ace Asphalt, 115 S. Averill Avenue, Flint, Michigan, 48506, in the amount of Two Hundred Fifty-Two Thousand Five Hundred Ninety-Nine and 30/100 Dollars (\$252,599.30) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

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

**CM-5. Councilmember Miller** moved to receive and file the following the Quarterly Investment Report, seconded by Councilmember Lewandowski:

In accordance with Public Act 20 of 1943, as amended, there is submitted herewith a Quarterly Report of the City of Port Huron concerning the investment of City funds for the three month and twelve month period ending June 30, 2010. (See City Clerk File # 10-107).

Motion adopted unanimously.

**RESOLUTIONS**

**\*R-1. WHEREAS**, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup in the right-of-way; and

WHEREAS, the cost for trash pickup in the right-of-way shall be assessed to the property owner(s) pursuant to City ordinances, Sections 38-11, 40-19, and 42-17; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot special assessments in the total amount of \$728.97 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 #10-108).

Adopted by consent.

**\*R-2.** WHEREAS, Southeast Michigan Council of Governments (SEMCOG) has named City Manager Bruce C. Brown as a member of its Executive Committee; and

WHEREAS, in order to serve on this Committee, Mr. Brown must be a member of the General Assembly; and

WHEREAS, Councilmember Brian Moeller was voted the designated alternate of the General Assembly on November 23, 2009 and has agreed to vacate this position so that Mr. Brown may serve both as a member of the General Assembly and the Executive Committee;

NOW, THEREFORE, BE IT RESOLVED that Bruce C. Brown is hereby designated as the alternate member of the General Assembly of SEMCOG.

Adopted by consent.

**\*R-3.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for removal of noxious weeds or unlawful growths or blighting factors; and

WHEREAS, the costs for removing noxious weeds or unlawful growths or blighting factors shall be assessed to the property owners pursuant to Chapter 22, Sections 22-83 and 22-108, City of Port Huron Code of Ordinances; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot assessments in the total amount of \$2,260.00 upon the lots and premises described in the attached special assessment report for the cost of removing noxious weeds or unlawful growths or blighting factors (see City Clerk File #10-109).

Adopted by consent.

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

BE IT RESOLVED that the City Council does hereby approve the attached agreement with Conventions, Sports & Leisure International (CSL) to provide professional planning services concerning the potential development of McMorran Place as a full service convention center facility (see City Clerk File #10-110).

Motion adopted unanimously.

**ORDINANCES**

**\*O-1.** The following ordinance introduced on August 9, 2010, entitled and reading as follows, was given its third and final reading and enacted:

ORDINANCE NO.1315

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAP, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING VARIOUS PROPERTIES GENERALLY DESCRIBED AS THE AREA BETWEEN CONNER STREET AND NORTH BOULEVARD DIRECTLY WEST OF ELECTRIC AVENUE FROM AN R-1 (SINGLE- AND TWO-FAMILY RESIDENTIAL) ZONING DISTRICT TO AN C-1 (GENERAL BUSINESS) ZONING DISTRICT

**THE CITY OF PORT HURON ORDAINS:**

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

*Lots 1, 2, 40, 41, 42, 43, 44, 45, and 46 and including the vacated alley between lots 41 and 42 , Block 1, Factory Land Company's Plat Number 1, also known as 2401 North Boulevard, Vacant Lot in 2400 Block of North Boulevard, Vacant Lot in 2500 Block of Conner Street, three (3) Vacant Lots in 2400 Block of Conner Street, 2418/2420 Conner Street, 2410 Conner Street, and 2402 Conner Street, located in the City of Port Huron, St. Clair County, Michigan.*

Susan M. Child, CMC  
City Clerk

ADOPTED: 08/23/10  
PUBLISHED: 08/28/10  
EFFECTIVE: 09/05/10

Adopted by consent.

**MOTIONS & MISCELLANEOUS BUSINESS**

**1. Mayor Repp** announced that City offices will be closed on September 6 in observance of Labor Day and that trash pickup will also be delayed one day.

On motion (10:05 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC  
City Clerk

**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, September 13, 2010, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.**

The meeting was called to order by Mayor Pro-tem Miller.

Present: Councilmembers Fisher, Lewandowski, Miller, Moeller and Ruiz.

Absent: Mayor Repp and Councilmember Archibald.

The minutes of the regular meeting of August 23, 2010, were approved.

**PUBLIC AUDIENCES**

1. Anthony America commented about citizen involvement in the process to replace the Police Chief if it occurs.
2. Darlene Peterson expressed support for McMorran Place.
3. Bernard Ellery commented about having an auxiliary police force and adding additional police precincts in areas with more police calls.
4. The following five (5) people commented about keeping the Port of Hopes facility on Griswold Street open: Tim Novenski, Jamie Rosbury, Marilyn Revere, Sgt. Gonzalez, Armstead Diggs.
5. Monica Mercurio and Margaret Enright commented against the renewal of the Blue Water Fest contract with Jonathan Witz & Associates.
6. Robert Martian commented about the police department's delayed response time to calls.
7. Sheila Ross and Walter Davis asked for reconsideration of the demolish order for her home at 2433/2435 Wright Street.
8. Erich Schieman commented that he is in the process of buying the Streamline Bar on Lapeer Avenue and he will begin rehabilitation of the building immediately after the sale if Council approves.
9. Arnold Koontz asked for Council's support of the homeless shelter/rescue mission special use permit.

**CONSENT AGENDA**

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

Motion adopted by the following vote:

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

**RESOLUTIONS**

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

BE IT RESOLVED that the Finance Director is hereby authorized to pay the attached payments. (See City Clerk File #10-01)

Motion adopted by the following vote:

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

**\*R-2. WHEREAS**, Jeanne Ellin Healy has submitted an application to the Michigan Liquor Control Commission for a new Micro Brew License and Small Wine Maker License to be located at 104 First Street, Port Huron, Michigan;

NOW, THEREFORE, BE IT RESOLVED that it is the consensus of the Port Huron City Council that the application from Jeanne Ellin Healy for a new Micro Brew License and Small Wine Maker License to be located at 104 First Street, Port Huron, Michigan, be recommended for issuance by the Michigan Liquor Control Commission.

Adopted by consent.

**\*R-3. WHEREAS**, on February 9, 2004, the City Council established by ordinance a Sister City Commission; and

WHEREAS, it is stated in the Ordinance Code of the City of Port Huron, Chapter 2, Administration, Article IV, Boards and Commissions, Division 8, Sister City Commission, Section 2-567, Membership and terms of office:

“The membership of the commission shall be composed of nine (9) members appointed by the City Council, from applications on file in the City Clerk’s Office, and shall represent persons with a strong interest in and knowledge of foreign countries or cultures, as compensation. Members shall serve without compensation.

The members of the commission shall serve terms of three (3) years . . .”

WHEREAS, Kathy Johnson, Tom Hamilton and John Cruz have recently resigned from the board due to time constraints;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby confirms the appointments of Pat O’Connor and Sandy Politowicz to the Sister City Commission for three-year terms to expire April 12, 2012.

Adopted by consent.

**\*R-4. WHEREAS**, a report has been submitted for costs incurred by the City of Port Huron for removal of noxious weeds or unlawful growths or blighting factors; and

WHEREAS, the costs for removing noxious weeds or unlawful growths or blighting factors shall be assessed to the property owners pursuant to Chapter 22, Sections 22-83 and 22-108, City of Port Huron Code of Ordinances; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot assessments in the total amount of \$1,667.50 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 #10-111).

Adopted by consent.

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

WHEREAS, there has been a contract (#10-5617) prepared between the City of Port Huron and the Michigan Department of Transportation (MDOT) for the reconstruction work along 17<sup>th</sup> Street from 16<sup>th</sup> Street to Water Street; including concrete pavement, concrete curb and gutter, and sidewalk ramp work and all together with necessary related work; and

WHEREAS, the City of Port Huron has been awarded a Federal Grant under the Surface Transportation Program; and

WHEREAS, the federal participation ratio for eligible cost items is 81.85%; and

WHEREAS, the total estimated eligible cost of \$250,700 is to be shared as follows:

Federal aid	\$ 205,200
City	<u>\$ 45,500</u>
	\$ 250,700

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 reconstruction work along 17<sup>th</sup> Street from 16<sup>th</sup> Street to Water Street; including concrete pavement, concrete curb and gutter, and sidewalk ramp work and all together with necessary related work; authorizes a local match of \$45,500.00; and authorizes the appropriate City officials to execute said agreement. (See City Clerk File #10-112)

Motion adopted by the following vote:

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

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

WHEREAS, the cost for trash pickup in the right-of-way shall be assessed to the property owner(s) pursuant to City ordinances, Sections 38-11, 40-19, and 42-17; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot special assessments in the total amount of \$614.42 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 #10-113).

Adopted by consent.

**7&8. Councilmember Fisher** moved the adoption of Resolutions #7 and #8, seconded by Councilmember Lewandowski:

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

*Lots 6 and 7, Block 1, Homeland Plat including west 40 feet of east 140 feet of that part vacated street lying between the extended south line of Lapeer Avenue and said Block 1; also known as 1934/1936 Lapeer Avenue (74-06-434-0006-000); and*

has been brought to the attention of the City Council by the Building Official as Code Case #10-017 claiming such condition constitutes a nuisance; 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 July 26, 2010, 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 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.

BE IT FURTHER RESOLVED that costs for asbestos abatement and demolition are authorized in an amount not to exceed \$20,000.00.

**R-8.** WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as:

*North 46.04 feet of Lot 8, Block 1, Homeland Plat including west 20 feet of that part of vacated street lying between the extended south line of Lapeer Avenue and said Block 1; also known as 1938 Lapeer Avenue (74-06-434-0007-000); and*

has been brought to the attention of the City Council by the Building Official as Code Case #10-018 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 July 26, 2010, 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:

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.

BE IT FURTHER RESOLVED that costs for asbestos abatement and demolition are authorized in an amount not to exceed \$20,000.00.

Motion to adopt Resolutions 7 and 8 *rejected* by the following vote (also see motion adopted immediately following):

No: Mayor Pro-tem Miller; Councilmembers Fisher, Lewandowski, Moeller and Ruiz.

Yes: None.

Absent: Mayor Repp; Councilmember Archibald.

**Councilmember Moeller** moved the adoption of the following resolutions, known as 7(A) and 8(A), seconded by Councilmember Fisher:

**R-7(A).** WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as:

*Lots 6 and 7, Block 1, Homeland Plat including west 40 feet of east 140 feet of that part vacated street lying between the extended south line of Lapeer Avenue and said Block 1; also known as 1934/1936 Lapeer Avenue (74-06-434-0006-000); and*

has been brought to the attention of the City Council by the Building Official as Code Case #10-017 claiming such condition constitutes a nuisance; and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property violations regarding the Code of Ordinances of the City of Port Huron and requesting abatement of these conditions and, to date, there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted September 13, 2010, 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:

Building    Electrical    Plumbing    Heating

2. The property has been the subject of a lawsuit and the Court, on September 7, 2010, authorized the sale of the property and the new property owner is willing to enter into a work agreement to abate the nuisance at subject property, with specific completion dates, and understands that if said dates are not met in accordance with the Work Agreement, the City Manager is hereby directed to cause the abatement of such conditions and nuisance by **immediate demolition**.

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

4. That the City Manager is hereby authorized to solicit and receive bids in order that the City is in a position to move promptly to carry out the direction of the City Council as provided herein and that costs for asbestos abatement and demolition are authorized in an amount not to exceed \$20,000.00.

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

**R-8(A).** WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as:

*North 46.04 feet of Lot 8, Block 1, Homeland Plat including west 20 feet of that part of vacated street lying between the extended south line of Lapeer Avenue and said Block 1; also known as 1938 Lapeer Avenue (74-06-434-0007-000); and*

has been brought to the attention of the City Council by the Building Official as Code Case #10-018 claiming such condition constitutes a nuisance; and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property violations regarding the Code of Ordinances of the City of Port Huron and requesting abatement of these conditions and, to date, there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted September 13, 2010, 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:

Building     Electrical     Plumbing     Heating

2. The property has been the subject of a lawsuit and the Court, on September 7, 2010, authorized the sale of the property and the new property owner is willing to enter into a work agreement to abate the nuisance at subject property, with specific completion dates, and understands that if said dates are not met in accordance with the work agreement, the City Manager is hereby directed to cause the abatement of such conditions and nuisance by **immediate demolition**.

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

4. That the City Manager is hereby authorized to solicit and receive bids in order that the City is in a position to move promptly to carry out the direction of the City Council as provided herein and that costs for asbestos abatement and demolition are authorized in an amount not to exceed \$20,000.00.

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

Motion to adopt Resolutions 7(A) and 8(A) adopted by the following vote:

Yes: Mayor Pro-tem Miller; Councilmembers Fisher, Lewandowski, Moeller and Ruiz.

No: None.

Absent: Mayor Repp; Councilmember Archibald.

**\*R-9.** WHEREAS, on June 28, 2010, the City Council adopted Resolution #4, authorizing the submission of a Brownfield Economic Development Initiative (BEDI) grant and a Section 108 Loan to the U.S. Department of Housing and Urban Development (HUD) with the objective of helping to eliminate slums or blighting influences and to benefit very low- to moderate-income individuals through the creation and retention of jobs as a result of the Sperry's Building project; and

WHEREAS, the City has been notified by HUD of the BEDI grant award for redevelopment of the Sperry's Building and the City is now required to submit an application for Section 108 Loan guarantee assistance to the Detroit Field Office of HUD for their review; and

WHEREAS, the City previously held two public hearings to receive the views and comments of citizens regarding the housing and community development needs within the City for the Five Year Consolidate Plan (2010-2014) and the FY 2010 CDBG Annual Action Plan; and

WHEREAS, the BEDI grant and Section 108 Loan program require an additional public hearing on the HUD approved BEDI grant application;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby schedules a public hearing for Monday, September 27, 2010, to receive comments from citizens on receiving additional BEDI grant funds and a Section 108 Loan guarantee from HUD for the purchase, environmental remediation, and energy efficiency renovation of the Sperry's Building in order to create economic activity and commerce in the downtown.

Adopted by consent.

**\*R-10.** WHEREAS, pursuant to the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan 1996, as amended, Landmark Development LLC has submitted a brownfield plan for the former Sperry's Department Store Building at 301 Huron Avenue (Parcel ID #: 74-06-298-0126-000); and

WHEREAS, the City of Port Huron Brownfield Redevelopment Authority met on September 9, 2010, to review the Landmark Development LLC Brownfield Plan and make a recommendation to the City Council regarding the plan;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby authorizes the City Clerk to schedule a public hearing for September 27, 2010, in order to hear comments on the Brownfield Plan and to publish notice of the public hearing according to the Act, and further authorizes the City Clerk to notify all taxing jurisdictions which are affected by adoption of the Plan about the fiscal and economic implications of the proposed financing plan.

Adopted by consent.

**\*R-11.** WHEREAS, Public Act 146 of 2000, the Obsolete Property Rehabilitation Act (OPRA), provides the City with the ability to designate one or more parcels of land which are characterized by obsolete commercial or commercial housing property as a Obsolete Property Rehabilitation District; and

WHEREAS, designation of an OPRA District provides incentives for a developer to make significant improvements to a building thereby reinvesting in the community; and

WHEREAS, the City desires to pursue the establishment of an OPRA District for the property located at 301 Huron Avenue (74-06-298-0126-000) legally described as: *Lots 1, and south 90 feet of Lots 15, and 16, Block 17, Butler Plat, City of Port Huron, St. Clair County;*

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby schedules a public hearing for September 27, 2010, to hear comments on the establishment of the proposed Sperry's Building OPRA District. Notice of public hearing shall be published in the Times Herald not less than 10 days prior to the date set for public hearing, and written notification shall be mailed by certified mail to all owners of real property within the proposed district.

Adopted by consent.

**\*R-12.** WHEREAS, Landmark Development LLC has applied for an Obsolete Property Rehabilitation Exemption Certificate (OPREC) for the property at 301 Huron Avenue; and

WHEREAS, as provided by Public Act 146 of 2000, as amended, a public hearing is required to be held on the application; and

WHEREAS, Act 146 states that the City Assessor and Legislative Body of each unit that levies taxes shall be notified of the public hearing;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for September 27, 2010, to hear comments on the application of Landmark Development LLC for an Obsolete Property Rehabilitation Exemption Certificate; and

BE IT FURTHER RESOLVED that the City Clerk shall publish notice of the public hearing in the Times Herald not less than 10 days prior to the date set for public hearing and shall send notices of said public hearing to the following:

Landmark Development LLC  
Sperry Development LLC  
City Assessor - Port Huron  
County Board of Commissioners - St. Clair County

Port Huron Area School Board  
St. Clair County Community College  
St. Clair County Regional Educational Service Agency  
Downtown Development Authority.

Adopted by consent.

**\*R-13.** WHEREAS, the City of Port Huron owns the following described alley:

*beginning at the southeast corner of Lot 3, thence south 20 feet to the northeast corner of Lot 6, thence westerly five feet along the north lot line of Lot 6, thence north 20 feet to the south line of Lot 3, thence easterly five feet to the point of beginning; Block 9, Subdivision of the Fort Gratiot Military Reservation, more generally described as being adjacent to the easterly five feet of 815 Stanton Street and 920 St. Clair Street, City of Port Huron, St. Clair County, Michigan; and*

WHEREAS, on September 7, 2010, the City Planning Commission held a public hearing to hear comments on the proposed vacation and recommended the City Council approve the vacation, with the reservation of a full-width public utility easement (vote: 7 ayes; 0 nays; 0 absent); and

WHEREAS, it is the judgment of the Port Huron City Council that the vacation would be in keeping with the City's Master Plan and in furtherance of the public interest and benefit;

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

Adopted by consent.

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

WHEREAS, a request has been received for a special use permit to operate a homeless shelter/rescue mission in an M-1 (Light Industrial) zoning district at 1920 - 24th Street; and

WHEREAS, on September 7, 2010, 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: 7 ayes; 0 nays; 2 absent);

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the Zoning Administrator to issue a special use permit for a homeless shelter/rescue mission, not to exceed 20 beds, limited to males 18 years of age or older, and in accordance with all state and local codes, at 1920 - 24th Street and adjacent vacant lot to the north, City of Port Huron.

Motion *rejected* by the following vote:

No: Councilmembers Fisher, Lewandowski and Ruiz.  
Yes: Mayor Pro-tem Miller; Councilmember Moeller.  
Absent: Mayor Repp; Councilmember Archibald.

**MOTIONS & MISCELLANEOUS BUSINESS**

1. **Councilmember Lewandowski** moved for the adoption of the following resolution, seconded by Councilmember Fisher:

**R-15.** WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as:

*Lots 381, 382, and 383, Block O, 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: 2433/2435 Wright Street (74-06-476-0171-100); and*

has been brought to the attention of the City Council by the Building Official as Code Case #10-008 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 July 26, 2010, 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:

Building     Electrical     Plumbing     Heating

2. As property owner has entered into a Work Agreement dated August 17, 2010, with the City to abate the nuisance at subject property, with specific completion dates, if said dates are not met in accordance with the Work Agreement, the City Manager is 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 Miller; Councilmembers Fisher, Lewandowski and Ruiz.

No: Councilmember Moeller.

Absent: Mayor Repp; Councilmember Archibald.

NOTE: Adoption of the above resolution negates the Public Hearing Resolution #2 adopted at the August 23, 2010, regular meeting.

2. **Councilmember Moeller** mentioned the birth of newspaper reporter Stephen Tait's daughter, Leland Nora. He also mentioned that access to his City e-mail account has not been working properly.

On motion (8:00 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC  
City Clerk

**Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, September 20, 2010, at p.m. in Conference Room 408, Municipal Office Center.**

The meeting was called to order by Mayor Repp.

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

**PRESENTATIONS**

1. Wing Thiele, spokesperson for the Citizens for the Blue Water Festival Revival (CBWFR), gave a presentation on their proposal to organize a "Blue Water Festival" event on the east side of the Military Street Bridge to the river. This festival would be in conjunction with the Blue Water Fest and would be to advocate for the local charities and support local businesses. (See City Clerk File #10-114 for a copy of the proposal).

2. Jonathan Witz, Jonathan Witz and Associates, addressed the Blue Water Fest's successes, suggested improvements and various issues of concern. He also stated that he was willing to let the City out of the contract if desired and he would waive the termination fee.

Some of the items Mr. Witz highlighted that needed improvement included: The footprint was too big and recommends a reduction in the size for next year. Trash pickup on Friday and Saturday. Vendor fees adjusted so more charities and local businesses can participate. Improve communication with the various groups and downtown business owners.

Some of the Blue Water Fest items Mr. Witz highlighted that were deemed successful included: Established a family theme, lots of energy created in the downtown, entertainment, great sponsorships, increased media exposure for the event and tourism in general, the addition of an art fair and especially Saturday activities, which included the well-received lighted boat parade.

3. Bruce Brown, City Manager, reviewed some of the areas of the budget that caused revenues to be less than expected, such as the sharing of carnival revenue with McMorrin, inclement weather on Thursday, parking revenue and less in-kind donations. Some of the positives detailed that do not appear on the balance sheet included the E & A sponsorship commitment for next year, media coverage, hotels and restaurants were busy and had record profits and minimum police arrests.

AT THIS POINT, Councilmember Moeller left the meeting (8:55 p.m.)

**PUBLIC AUDIENCE**

1. Darlene Peterson, business and homeowner, commented that items about the Blue Water Fest have been concerns as opposed to complaints and she clarified the CBWFR's proposal for waiving of nonprofit vendor fees if they sponsored an extra event during the festival.

2. Carl Shoenberg from the Knights of Columbus expressed concerns with the lack of communication, the high vendor fees, restrictions placed on food items sold. He further commented in the past that the highest fee they paid was \$700.

3. Angela Kelly, Citizens for a Vibrant Community liaison member, commented on the communication concerns, sponsorship questions, media coverage and participation by local restaurants and nonprofits.

4. Mike McCauley, business owner, commented about his experiences at other events, including this year's Blue Water Fest.

5. Margaret Enright, resident, commented on past media contacts and concern over local charities not being involved.

6. Bill Moskal, St. Clair Township, commented that the City needs to maximize our community assets and our natural beauty in promoting not only this event, but also our area in general.

7. Jason Sawyer, business owner, commented on Wing Thiele's presentation and the commitment of the advisory group.

8. Lee Jones, business owner, complimented Council for bringing a first class promoter to coordinate this event, support's this year's direction and that the event planning meetings were effective and informative.

9. Wing Thiele, business owner, commented that her earlier proposal was not intended to cause competition, but is to help advocate for local businesses, nonprofits and the taxpayers.

10. Jean Webb commented on attendance as compared to past years and the need for better communication.

11. Jeannine Capadagli, business owner, commented on the Chamber office being closed on Saturdays and Sundays and the need for additional promotions of the area.

12. Carol Cataldo, resident, commented on attendance, exclusion of nonprofits and improved media coverage this year.

13. Linda Whipple, business owner, commented on her business struggling and future art fair.

14. Monica Mercurio thanked Jonathan Witz for eliminating the penalty if the City does not want to continue his contract. She also commented on exclusion of nonprofits, along with fencing and trash pickup issues.

15. Brian Martin commented on the importance of a professional event promoter such as Jonathan Witz for this type of event and the need for ongoing networking.

**COMMUNICATIONS**

1. **Councilmember Miller** moved to receive and file the following two communications, seconded by Councilmember Archibald: Letter from Stewart Reed, Fort Gratiot, expressing accolades for this year's event and support for retaining Jonathan Witz. Letter signed by 13 business and community stakeholders expressing support for the continuation of the contract with Jonathan Witz in 2011.

Motion adopted.

**DISCUSSION**

1. The City Manager will prepare a new agreement for consideration at the October 11, 2010, regular meeting to retain Jonathan Witz for next year's event and to recruit members for a Blue Water Fest planning committee.

On motion (10:00 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC  
City Clerk

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**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, September 27, 2010, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.**

The meeting was called to order by Mayor Repp.

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

The minutes of the regular meeting of September 13, 2010, and September 20, 2010, were approved.

**PRESENTATIONS**

1. Yard of the Year awards were presented by the Beautification Commission (see City Clerk File #10-114 for a list of the winners). The Steve Revnik award was given to the Port Huron Garden Club.
2. Proclamation recognizing September 15 - October 15, 2010, as Hispanic Heritage Month was presented to Jesse Castillo of the Hispanic Coalition of St. Clair County.
3. Karen Palka, Blue Water Film Festival, gave a presentation on the second annual "Blue Water Film Festival" to be held at the McMorrان Place Theater October 6-9, 2010, and a proclamation designating October 6, 2010, as "Colleen Moore Day" was presented by the Mayor.
4. Kristin O. Jurs, Storm Water Coordinator, gave a presentation on the local watershed and storm water permit activities required by federal and state regulations to improve local water quality.

**PUBLIC HEARINGS**

1. **The Mayor** announced that this was the time to hear comments on the Brownfield Plan submitted by Landmark Development LLC for the former Sperry's building.

Anthony America commented about property taxes.

Ken Harris sent a letter regarding the financial resources for the project (see City Clerk File #10-115 for a copy of the letter).

Ann Jamison, AKT Peerless, consultant for Landmark Development, commented on the project plan and the Brownfield Redevelopment Act.

Margaret Enright commented about the tax breaks.

Dave Wright, developer of the project, commented about the various uses planned for the building.

Donna Klune commented that she is a member of the Brownfield board and that this development is needed in the downtown area.

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

WHEREAS, the City's Brownfield Redevelopment Authority (the "Authority"), pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), met on September 9, 2010, and

recommended for approval by the City Council a Brownfield Plan (the "Plan") submitted to it by Landmark Development LLC for the former Sperry's Department Store Building at 301 Huron Avenue, Port Huron, Michigan, pursuant to and in accordance with Section 13 of the Act; and

WHEREAS, the City Clerk, on behalf of the City Council has, at least ten (10) days before the meeting of the city Council at which this resolution has been considered, provided notice to and fully informed all taxing jurisdictions which are affected by the Financing Plan (the "Taxing Jurisdictions") about the fiscal and economic implications of the proposed Financing Plan, and the City Council as provided to the Taxing Jurisdictions a reasonable opportunity to express their views and recommendations regarding the Financing Plan and in accordance with Sections 13(10) and 14(1) of the Act; and

WHEREAS, the City Council has made the following determinations and findings:

1. The Plan constitutes a public purpose under the Act;
2. The Plan meets all of the requirements for a Brownfield Plan set forth in Section 13 of the Act;
3. The proposed method of financing the costs of the eligible activities, as described in the Plan, is feasible and the Authority has the ability to arrange the financing;
4. The costs of the eligible activities proposed in the Plan are reasonable and necessary to carry out the purposes of the Act;
5. The amount of captured taxable value estimated to result from the adopt of the Plan is reasonable; and

WHEREAS, as a result of its review of the Plan and upon consideration of the views and recommendations of the Taxing Jurisdictions, the City Council desires to proceed with approval of the Plan.

NOW, THEREFORE, BE IT RESOLVED that pursuant to the authority vested in the City Council by the Act, and pursuant to and in accordance with the provisions of Section 14 of the Act, the Plan is hereby approved in the form attached to this Resolution (see City Clerk File #10-116);

BE IT FURTHER RESOLVED that the appropriate City officials are authorized to execute the appropriate documents and agreements related to the Plan;

BE IT FURTHER RESOLVED that should any section, clause or phrase of this Resolution be declared by the Courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid and all resolutions or parts of resolutions in conflict with any provisions of this Resolution are hereby repealed.

Motion adopted unanimously.

2. **The Mayor** announced that this was the time to hear comments on the City receiving additional Brownfield Economic Development Initiative grant funds and a Section 108 Loan guarantee from HUD for the purchase, environmental remediation, and energy efficiency renovation of the former Sperry's building.

No one appeared to be heard.

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

WHEREAS, the City of Port Huron is committed to expanding job opportunities within the City; and

WHEREAS, on June 28, 2010, the City Council adopted Resolution #4 authorizing the submission of a Brownfield Economic Development Initiative (BEDI) Grant and a Section 108 Loan to the U.S. Department of Housing and Urban Development (HUD) with the purpose of eliminating blighting influences downtown and creating job opportunities for citizens with a principal benefit of assisting low- and moderate-income persons through the acquisition, renovation, and reuse of the Sperry's Building at 301 Huron Avenue; and

WHEREAS, the Sperry's Building project is to include an entrepreneur incubator facility for up to 15 small businesses with commercial and professional uses on the first, second, and third floors that may provide up to 195 jobs (temporary, part-time, and full-time) within the downtown; and

WHEREAS, the City has received approval of a \$1.0 million BEDI grant, conditional upon an approved application for a \$1.5 HUD Section 108 Loan Guarantee that would be awarded to the City who will then lend the funds to Landmark Development LLC, the developer of the Sperry's Building project; and

WHEREAS, the Section 108 Loan will be negotiated between the City, HUD, and Landmark Development LLC to assure repayment by Landmark Development LLC within a time period of no less than ten (10) years, and no more than twenty (20) years and in accordance with current program interest rates and conditions; and

WHEREAS, the BEDI grant and Section 108 Loan will be further guaranteed by a developer performance agreement, lien on the property, and future allocations of CDBG funds;

NOW, THEREFORE, BE IT RESOLVED, that the Port Huron City Council approves the submission of an application for a Section 108 Loan Guarantee allocation in the amount of \$1.5 million as required by the \$1.0 million BEDI Grant received August 19, 2010, and authorizes the appropriate City officials to execute the necessary applications, certifications, appropriate documents, and agreements related to the request (see City Clerk File #10-117);

BE IT FURTHER RESOLVED that to assure repayment of the Section 108 Loan through a collateral lien on the property, future allocations, or any other means approved by HUD, the appropriate City officials are authorized to execute the necessary certificates, appropriate documents, and agreements with HUD and Landmark Development LLC.

Motion adopted unanimously.

**3&4. The Mayor** announced that this was the time to hear comments on the establishment of the former Sperry's building at 301 Huron Avenue as an Obsolete Property Rehabilitation Act (OPRA) District and on the application of Landmark Development LLC for an Obsolete Property Rehabilitation Exemption Certificate for the former Sperry's property.

No one appeared to be heard.

**The Mayor** declared the hearings closed and **Councilmember Archibald** moved the adoption of Public Hearing Resolutions #3 and #4, seconded by Councilmember Miller:

**PH#3.** WHEREAS, pursuant to Public Acts 146 of 2000, the City of Port Huron has the authority to establish Obsolete Property Rehabilitation Act (OPRA) Districts within the City of Port Huron; and

WHEREAS, on September 13, 2010, the City Council adopted Resolution #11 scheduling a public hearing for September 27, 2010, to receive comments on the establishment of an OPRA District for the property located at 301 Huron Avenue (former Sperry's Department Store Building), legally described as *Lot 1 and south 90 feet of Lots 15 and 16, Block 17, Butler Plat*, City of Port Huron, St. Clair County, Michigan; and

WHEREAS, the Port Huron city Council sets forth a finding and determination that the district meets the requirements set forth in Section 3(1) of the Public Act 146 of 2000; and

WHEREAS, written notice has been given by mail to all owners of real property located within the proposed district and to the public by newspaper advertisement on September 16, 2010, in The Times Herald; and

WHEREAS, on September 27, 2010, a public hearing was held and all residents and taxpayers of the City were afforded an opportunity to be heard thereon and after due consideration, the City Council deems it to be in the public interest of the City of Port Huron to establish the Sperry's Building OPRA District as proposed;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Port Huron that the above-described parcel of land located at 301 Huron Avenue, City of Port Huron, St. Clair County, and State of Michigan, is hereby established as an Obsolete Property Rehabilitation District pursuant to the provisions of Public Act 146 of 2000, to be known as the Sperry's Building OPRA District.

**PH#4.** WHEREAS, pursuant to P.A. 146 of 2000, as amended, the City of Port Huron is a Qualified Local Governmental Unit and is eligible to establish one or more Obsolete Property Rehabilitation Act (OPRA) Districts; and

WHEREAS, after a public hearing held on September 27, 2010, the City legally established the Sperry's Building OPRA District for property located at 301 Huron Avenue, City of Port Huron, St. Clair County, Michigan; and

WHEREAS, the taxable value of this exemption plus the aggregate taxable value of property already exempt under Public Act 146 of 2000 and under Public Act 198 of 1974 equals 4.68%; and

WHEREAS, Landmark Development LLC has submitted an application to the City Clerk for an OPRA Exemption Certificate and it is found that:

- Landmark Development LLC is not delinquent in any taxes related to the facility
- Landmark Development LLC has provided all required items listed under the application instructions to the City

- the application is for obsolete property as defined in Section 2(h) of the P.A. 146 of 2000, as amended
- rehabilitation of this facility, as covered by this exemption, had not begun prior to September 27, 2010, the date the Sperry's Building OPRA District was legally established
- the application relates to a rehabilitation program that, upon completion, constitutes a rehabilitated facility within the meaning of P.A. 146 of 2000, as amended, and is situated within an OPRA District
- completion of the rehabilitation facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood of increasing commercial activity, of creating and/or retaining employment, and of revitalizing an urban area
- the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by Section 2(1) of P.A. 146 of 2000, as amended; and

WHEREAS, the application was approved at a public hearing on September 27, 2010, as provided by Section 4(2) of P.A. 146 of 2000, as amended, allowing a period of twelve (12) months for completion of the rehabilitation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Port Huron that Landmark Development LLC is hereby granted an Obsolete Property Rehabilitation Act exemption for the real property located in the Sperry's Building OPRA District at 301 Huron Avenue, for a period of six (6) years, beginning December 31, 2010, and ending December 30, 2016, pursuant to the provisions of P.A. 146 of 2000, as amended.

Motion to adopt Public Hearing Resolutions #3 and #4 adopted unanimously.

**PUBLIC AUDIENCES**

1. The following individuals commented in support of reversing the Council's decision to deny the issuance of a special use permit for a homeless shelter/rescue mission on 24<sup>th</sup> Street: Arnold Koontz, Sue Grandy, Michael Berro, Alice Rieves, Marilyn Lavere, Kathleen Doelle, Vikkie Jaurique, Bill Terry, Armstead Diggs, Margaret Enright, Carol Cataldo, John Moldowan and Bruce Francek.
2. Melinda Johnson, Executive Director of Community Action Agency, provided a history of the agency and commented on poverty in Port Huron and the issues causing poverty.
3. Anthony America commented on the Landmark application, cost of water at a local restaurant and reckless driving by gravel train drivers in construction areas.
4. The following commented in opposition to the rental moratorium ordinance: Matt Wallace, Jessie Smeltzer and John Cooper.
5. The following commented in support of the rental moratorium ordinance: Donna Klune, Allison Smith, Samantha Lord and Rachel Cole.
6. Wing Thiele and Monica Mercurio commented about Blue Water Fest.

**CONSENT AGENDA**

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

**COMMUNICATIONS & PETITIONS**

**C-1. Councilmember Moeller** moved to receive and file the following communication, seconded by Councilmember Archibald:

Letter from Reverend Arnold E. Koontz, Executive Director, Blue Water Area Rescue Mission, requesting reconsideration of his request for a special use permit for a homeless shelter/rescue mission at 1920 – 24<sup>th</sup> Street and the adjacent vacant lot to the north.

Motion adopted unanimously

**\*C-2.** Letter from Larry Young, Manager, State of Michigan Port Huron Transportation Service Center, requesting approval to remove the sidewalks on the north side of Scott Avenue from Pine Grove Avenue to Riverside Drive and on both sides of Mansfield Street from Pine Grove Avenue to the west, located within the demolition project for the new Blue Water Bridge Plaza project, to allow MDOT to save maintenance costs for snow removal this winter.

Received and filed by consent and referred to administration for review and report.

**\*C-3.** Notification from the Michigan Liquor Control Commission that they have received an application from Almass, Inc., requesting transfer of ownership of 2010 SDD and SDM licenses from Ighraa Hanna Zaitouna located at 1928 Tenth.

Received and filed by consent.

**FROM THE CITY MANAGER**

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

On August 26, 2010, the City of Port Huron received eight (8) bids for two (2) four door passenger vehicles for use in the Police and Fire Department:

<u>VENDOR</u>	<u>YEAR/MODEL</u>	<u>PRICE</u>
Varsity Ford (Ann Arbor, MI)	2011/Taurus SE	\$18,694.00 each
Gorno Ford, Inc. (Woodhaven, MI)	2011/Taurus SE	\$18,779.00 each
Fairlane Ford (Dearborn, MI)	2011/Taurus SE	\$18,830.55 each
Northgate Ford (Port Huron, MI)	2011/Taurus SE	\$18,892.00 each

Signature Ford (Owosso, MI)	2011/Taurus SE	\$19,128.00 each
Taylor Ford (Taylor, MI)	2011/Taurus SE	\$19,154.00 each
Jefferson Chevrolet (Detroit, MI)	not specified	\$19,723.00 each
LaFontaine Automotive (Highland, MI)	2011 Impala LS	\$21,621.66 each

It is recommended that the bid of Varsity Ford, P.O. Box 2507, Ann Arbor, Michigan 48106, in the amount of Thirty-Seven Thousand Three Hundred Eighty-Eight and 00/100 Dollars (\$37,388.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion *rejected* by the following vote:

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

**Councilmember Moeller** moved to award the above bid to Northgate Ford, seconded by Councilmember Miller. Motion adopted by the following vote:

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

**CM-2. Councilmember Fisher** moved to receive and file the following City Manager's report, seconded by Councilmember Archibald:

### PORT HURON HOUSING INITIATIVE

At its August 9, 2010 meeting, the City Council held a public hearing and first reading of an ordinance to impose a one year moratorium on new rental certificates in the City of Port Huron. As a result of a number of questions that arose during the public discussion, the City Council determined that a more comprehensive approach to the housing issue in the City of Port Huron was required. The ordinance was tabled for a month and the City Manager instructed to expand his recommendations related to the issue of housing in the city. This report is in response to that request.

#### Introduction

Over the last 15 years, Port Huron has experienced two disturbing trends...a significant increase in the number of rental units and an exodus of population to the suburbs resulting in a significant decrease in the number of owner occupied homes in the city.

#### Rental Issues

As of September 1st, the City of Port Huron had 14,003 housing units of which 5,921 (or 43%) are certified rental units signifying that they have been inspected by the City and are deemed to be habitable. Additionally, it is estimated that another 10-15% of our housing units are operating in violation of the rental

ordinance and are not certified. Therefore, an estimated 53-58% of our housing units are currently in a rental status.

Urbanologists suggest that two factors - a high percentage of rental units and a high incidence of poverty level population - inevitably impact on a community's ability to survive as a sustainable urban center. They suggest that a rental percentage of 30% or less is a manageable and realistic goal. They also indicate that when the poverty level of the community reaches or exceeds 20% of the population, the community will be unable to provide essential public services. As of August, 2010, the poverty rate in Port Huron reached 21.9%.

Two major factors that have contributed to the current situation are the age of the housing stock in the City and the economic times in which we live where homes can be purchased in many neighborhoods for \$10,000-15,000, inviting investors and speculators.

Many statistics and observations enforce our conviction that something must be done before we lose the city completely. While we certainly have a responsibility to care for the poor of our community, it doesn't extend to caring for the poor of Detroit, Flint, Saginaw and beyond. An assortment of items worthy of consideration would include:

- Almost 60% of the Section 8 vouchers for St. Clair County are located in Port Huron which has only 17% of the population of the County.
- Over 85% of the activity of the St. Clair County Drug Task Force takes place in the City of Port Huron,
- We have unconfirmed reports that the City of Port Huron is a dumping ground for poor people who are attracted to this community by the abundance of cheap housing in safe neighborhoods, good schools and recreation opportunities, attractive living conditions and liberal social programs.
- Port Huron boasts 38 social service agencies, one for every 780 citizens.
- There is little or no coordination between the Enforcement Division and the Police Department as it relates to the granting of rental certificates. This may result in a situation where a rental certificate is approved by one agency but the address may qualify for padlocking as a nuisance.
- Some of the landlords avoid timely repairs to homes by effective use of the built-in legal time delays.
- Landlords are now the point of contact for tenant related maintenance such as lawn mowing, trash, abandoned cars, etc. We need a system that penalizes the tenant directly for such violations.
- We have unconfirmed reports that the easy accessibility of Port Huron via the Interstate freeway system makes it an easy target for drug trafficking in a relatively safe environment that results in higher prices for the dealer.
- Hardly a week goes by that we don't hear from an anxious and frustrated Port Huron home owner who has given up on the anti-social behavior of neighboring rental neighbors and the city's ability to end the situation. Many have either moved out of the city or abandoned their homes completely.
- And the list goes on and on...

### Home Ownership Issues

While not always the case, renters generally approach their home with a different mindset than home owners. Homeowners see their home as the largest personal investment of their lifetime and make maintenance and improvement decisions that are designed to enhance the value of their asset. Renters, on the other hand, have little to gain or lose by the condition of the property they occupy. A court case in East Lansing supported a rental moratorium in the city by declaring that in an effort to "preserve the attractiveness, desirability and privacy of residential neighborhoods" the city could "preclude the deleterious effects that rental properties can have on the neighborhood with regard to property deterioration, increased density, congestion, noise, traffic levels and the reduction of property values".

We are also concerned that the existence of high levels of rentals in neighborhoods inevitably contributes to disinvestment in stable neighborhoods where homeowners frequently just give up and move out of the city. They grow tired of the day-to-day challenges of trying to co-exist with rental issues and the loss of property values that follow.

A recent study of the benefits of home ownership by the Cincinnati office of the Neighborhood Reinvestment Corporation revealed some interesting facts:

- Compared with the children of renters (same age, income level, race, etc.), the children of homeowners are:
  - a. 25% more likely to graduate from high school
  - b. 116% more likely to graduate from college
  - c. 20% less likely to become teenage mothers
  - d. 59% more likely to own their own homes within 10 years of moving from their parent's household
  - e. Save the taxpayers an estimated \$34,000 per child in public expenditures (the cost of juvenile delinquency, teenage pregnancy, etc)
- Compared to renters (of same age, income, race, etc), homeowners are:
  - a. 12 times wealthier
  - b. Have 66% of their wealth invested in their home

### Objectives

The City Council, through its adoption of the Port Huron Housing Initiative, has two primary objectives over the next several years:

- Reduce the number of rental housing units in the City of Port Huron to 30% of our housing stock
- Increase the opportunity and desirability of Port Huron for home ownership.

### Immediate Objectives

Immediately implement the following actions:

- Adopt an ordinance that would impose a one year moratorium on new rental certificates. As a result of the public comments related to the ordinance, a number of amendments will be included:
  - a. Leaving the rental certification period at six years until a new rental certification ordinance can be adopted.

- b. Properties that have been sold, but not closed, prior to the effective date of the ordinance would be eligible for certification. The seller would be required to produce documentation verifying the sale date.
- c. Properties located in the Downtown Port Huron Neighborhood Enterprise Zone would be exempted from the moratorium (this would permit the continued development of loft housing in the downtown area).
- d. Planned improvements to Dulhut Village and the Garfield Street Apartment projects would be exempted from the moratorium.
- e. An appeal panel will be appointed by the City Council but will not be position specific.
- f. A hardship will occur where the homeowner has a change in personal circumstances that requires rental of their home to preserve the financial stability of the applicant.
- g. A hardship will occur where an owner occupying one unit of a side-by-side duplex depends on the income from the other duplex unit for financial stability.
- h. The Rental Housing Appeals Board will remain in place to hear appeals to city enforcement requirements.
- i. The number of appeals will be unlimited rather than limited to ten appeals per year.

- Work with the Port Huron Police Department and St. Clair County Drug Task Force to identify rentals that experience an unusual number of police calls, declare them to be a "public nuisance", and padlock them for a year. This program assumes assistance in providing alternate living opportunities for innocent tenants.
- Begin an aggressive demolition program of unsafe, dilapidated and uninhabitable homes. Resulting vacant lots will be studied concerning their potential use for infill housing, deeded to adjacent neighbors, or held for future development.
- Support the St. Clair County Drug Task Force interdiction program designed to intercept drug activity from the Detroit and Flint areas before it reaches the City of Port Huron.
- Review existing homes with rental certificates in place and terminate the certificate if the property reports an unusually high number of blight complaints for which the landlord has been consistently unresponsive.
- Provide a one month "grace" period for uncertified properties to initiate the certification process, and then impose severe financial penalties until the matter has been legally corrected.

### Future Objectives

Over the next twelve months:

- Rewrite the rental certification rules and procedure patterned after an ordinance from Berwick, Pennsylvania. This approach would require the sharing of occupancy responsibilities between the landlord and tenant, a two year certification period, higher certification and inspection fees, higher penalties for violations, an accessible property manager, and a streamlined process for handling violations.

- Restructure and streamline the Enforcement Department, including the installation of automated software and hand held computers to reduce paperwork and improve accuracy.
- Work with the Planning Department and Planning Commission to develop overlay zoning districts to protect stable neighborhoods from further rental encroachments and the elimination of rentals completely over time.
- Work with the Port Huron Housing Commission to ensure an equitable distribution of Section 8 housing vouchers throughout St. Clair County.
- Explore a partnership with E&A Credit Union to provide financial incentives for home ownership in the City of Port Huron.
- Partner with area developers and realtors to explore possible tax incentives and programs for developing new single family residential opportunities in the City of Port Huron.

It's important to note that none of these actions will significantly impact the map of Port Huron rental units that was distributed several weeks ago. All of those units that have been certified at the effective date of the moratorium can remain as such so long as the landlord keeps the property up to code. For your information, an additional 99 rental units were registered in the last month as we awaited action on this program. The total number of rental units in the City of Port Huron is now 5,921 homes.

Motion adopted unanimously.

### RESOLUTIONS

**\*R-1.** WHEREAS, the City of Port Huron is an important center of recreational boating activity and serves as a refuge point for shallow-draft recreational vessels; and

WHEREAS, the City has asked the Michigan Department of Natural Resources and Environment (DNRE) to assist with last year's costs to dredge the City's marina system; and

WHEREAS, the DNRE 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 City's marina system in an amount not to exceed \$97,627.00;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council does hereby approve the grant agreement with the Michigan Department of Natural Resources and Environment to receive reimbursement of up to 50% of the total project cost for the 2009 dredging of the City's marina system and authorizing the appropriate City officials to execute said agreement (see City Clerk File #10-118);

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 \$48,813.00 to match the grant authorized by the department.

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

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

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

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

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

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

Adopted by consent.

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

WHEREAS, the City and the St. Clair County Parks and Recreation Commission supports the development of recreation trails throughout the community; and

WHEREAS, the City has acquired property from CN Railroad with funds provided by the St. Clair County Parks and Recreation Commission; and

WHEREAS, the Michigan Department of Transportation (MDOT) is planning to remove the Military Street Bridge over the CN railroad tracks and install a pedestrian tunnel at an estimated cost of \$2.4 million; and

WHEREAS, MDOT requires a permanent easement for the installation and maintenance of wing walls that are necessary for the installation of the pedestrian tunnel on a portion of City owned property; and

WHEREAS, the City is receiving significant benefits from these proposed improvements and agrees to provide the necessary easement for \$1.00

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves a permanent easement to the Michigan Department of Transportation to facilitate ongoing construction and maintenance of the pedestrian tunnel and authorizes the appropriate City officials to execute the permanent easement and property donation forms. (see City Clerk File #10-119).

Motion adopted unanimously.

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

WHEREAS, the City of Port Huron and the St. Clair County support the restoration of the Fort Gratiot Light Station; and

WHEREAS, St. Clair County Parks and Recreation Commission and the City of Port Huron has entered into a agreement that specifies how the City will administer its federal grant to preserve the County's Fort Gratiot Light Station;

WHEREAS, St. Clair County Parks and Recreation Commission and the City of Port Huron have received concurrence from the National Park Services and has agreed that Quinn Evans Architects is the appropriate architect firm to provide architectural services for preservation work because they assisted the City with the historic structures report; and

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Quinn Evans Architects for professional architectural services to investigate and evaluate existing conditions and develop design plans and specifications to complete repairs to the lighthouse, generally described as the Fort Gratiot Light Station Tower Restoration for the property located at the Fort Gratiot Light Station and authorizes the appropriate City officials to execute the agreement (see City Clerk File #10-120).

Motion adopted unanimously.

**\*R-4.** WHEREAS, on February 9, 2004, the City Council established by ordinance a Sister City Commission; and

WHEREAS, it is stated in the Ordinance Code of the City of Port Huron, Chapter 2, Administration, Article IV, Boards and Commissions, Division 8, Sister City Commission, Section 2-567, Membership and terms of office:

"The membership of the commission shall be composed of nine (9) members appointed by the City Council, from applications on file in the City Clerk's Office, and shall represent persons with a strong interest in and knowledge of foreign countries or cultures, as compensation. Members shall serve without compensation.

The members of the commission shall serve terms of three (3) years . . ."

WHEREAS, there are currently three (3) vacancies on the commission;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby confirms the appointment of Alan D. Cutcher to the Sister City Commission for a three-year term to expire April 12, 2013.

Adopted by consent.

**\*R-5.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for removal of noxious weeds or unlawful growths or blighting factors; and

WHEREAS, the costs for removing noxious weeds or unlawful growths or blighting factors shall be assessed to the property owners pursuant to Chapter 22, Sections 22-83 and 22-108, City of Port Huron Code of Ordinances; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot assessments in the total amount of \$2,890.00 upon the lots and premises described in the attached special assessment report for the cost of removing noxious weeds or unlawful growths or blighting factors (see City Clerk File #10-121).

Adopted by consent.

**\*R-6.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for an emergency demolition of a dangerous structure; and

WHEREAS, the cost of demolition shall be assessed to the property owner(s) pursuant to Section 10-211(d) and Section 40-19 of the City of Port Huron Code of Ordinances; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$1,550.00 for an emergency demolition of the premises described in the attached special assessment report (see City Clerk File #10-122).

Adopted by consent.

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

WHEREAS, the St. Clair County's Northeastern Watershed flows through and/or provides storm water drainage for a number of neighboring communities; and

WHEREAS, the City of Port Huron, St. Clair County and other local communities have proposed the formation of the St. Clair County's Northeastern Watershed Advisory to assist its members to comply with the National Pollutant Discharge Elimination System Phase II storm water regulations, meet the requirements of a watershed permit, and improve water quality in the most cost effective manner; and

WHEREAS, as an operating agreement has been proposed for adoption by the City of Port Huron, St. Clair County, the communities, agencies and organizations comprising of the St. Clair County's Northeastern Watershed Advisory Group to aid in decision-making necessary to develop the Watershed Management Plan and Public Participation Plan;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the City entering into an operating agreement for the St. Clair County's Northeastern Watershed Advisory Group and authorizing a letter be sent to the Advisory Group notifying them of the City's approval; and

BE IT FURTHER RESOLVED that when the Advisory Group has obtained all necessary approvals from the other entities that the appropriate City officials are authorized to execute the agreement and the City Manager is authorized to designate a City representative to serve on the advisory board (see City Clerk File #10-123).

Motion adopted unanimously.

## ORDINANCES

**O-1. Councilmember Archibald** moved, seconded by Councilmember Fisher, that an ordinance introduced August 9, 2010, entitled and reading as follows be given its third and final reading and enacted:

### ORDINANCE NO. 1316

AN ORDINANCE TO AMEND CHAPTER 10, BUILDINGS AND BUILDING REGULATIONS, ARTICLE V, RENTAL CERTIFICATION, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF PLACING A ONE-YEAR MORATORIUM ON NEW RESIDENTIAL RENTAL UNIT CERTIFICATIONS AND STRENGTHENING THE RENTAL CERTIFICATION REQUIREMENT.

#### **THE CITY OF PORT HURON ORDAINS:**

That Chapter 10, Buildings and Building Regulations, Article V, Rental Certification, of the Code of Ordinances of the City of Port Huron is hereby amended for the purpose of placing a one-year moratorium on new residential rental unit certifications and strengthening the rental certification requirement as follows:

### **Chapter 10. BUILDINGS AND BUILDING REGULATIONS**

#### **ARTICLE V. RENTAL CERTIFICATION**

#### **Sec. 10-151 through Sec. 10-158.**

No change.

#### **Sec. 10-159. Certification required.**

(a) No person shall lease, rent or cause to be occupied a residential rental structure or residential rental unit unless there is a valid certification issued by the city inspection department in the name of the owner and issued for the specific residential rental structure and each residential rental unit. The certificate shall be produced upon request. Except to the extent restricted in Section 10-178, the certificate shall be issued after an inspection by the building inspection department which may include inspections by the building inspector, mechanical inspector, housing inspector, electrical inspector, plumbing inspector, and fire department inspectors when fire inspectors have jurisdiction or other building officials to determine that each rental dwelling and rental unit complies with the provisions of the codes and ordinances of the city. Such inspections shall commence after the effective date of the ordinance from which this article is derived and shall continue until all rental dwellings and all rental units in the city have been inspected and continue, thereafter, as required for renewals.

(b) Subject to the restriction in Section 10-178, a certification may be issued for a six year period on existing one- and two-family dwelling units and existing multifamily dwellings (three or more and any rooming house with one or more rooms, or boarding house) in accordance with the following:

(1) The city will issue a certification valid for those years if the inspector determines during the inspection that:

a. Any deficiencies discovered during previous inspections of the rental unit have been corrected; and

b. There are no major violations of the inspection guidelines for rental dwellings. Major violations are those violations which, in the inspector's professional judgment, create a risk to the health or safety of tenants.

c. A residential rental unit located in a multifamily residential rental structure will receive a certification only if all residential rental units within the residential rental structure have a valid certification or are also entitled to receive a certification.

(2) If a residential rental unit does not satisfy the criteria set forth in subsection (1) of this section, the city will not issue a certification or a renewal for a period of one year from the date of the inspection.

(3) Notwithstanding the language in subsection (2) of this section, the planning director as supervisor of the rental inspection department may in his discretion waive compliance with the criteria set forth in subsection (1) of this section if the director determines:

a. A waiver of such criteria will not endanger the health or safety of tenants; and

b. The owner of the rental unit has demonstrated a history of compliance with the city's inspection guidelines for rental dwellings.

(4) Temporary, one-year certificate.

a. The exterior condition of all rental units are subject to compliance with other related city codes and ordinances, including Section 10-31(b) (including Property Maintenance Code) of this chapter, and chapter 22, article II, blight. If exterior conditions are not in compliance with other city codes and ordinances, but in the opinion of the rental inspector do not present an immediate health or safety hazard, a "Temporary, One-Year Certificate" may be issued. The property owner must renovate the exterior of the unit(s) to established standards outlined in an executed work agreement and in accordance with city codes and ordinances within one year and upon completion, must receive a valid certification.

(c) The enforcing officer for the city inspection department may issue a municipal civil infraction notice to a person who fails to obtain a valid rental certificate prior to occupancy of a rental unit. The fine payable to the municipal ordinance violations bureau for admission of responsibility by persons served with the municipal civil infraction notice shall be as follows:

(1) First offense: \$250.00.

(2) Second or subsequent offense: \$500.00.

#### **Sec. 10-160 through Sec. 10-177.**

No changes.

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

(a) Legislative findings and objectives.

(1) The city has an unacceptably high percentage of residential rental units, a percentage which has increased over the past decade. Officially, the number of residential rental units is 43% of the city's housing stock, but it is believed that the percentage may be higher and much closer to 50% given the

number of residential rental units that are not registered and have not obtained rental certification as required under the city's code. The city desires to reduce the percentage of residential rental units to 30% or less.

(2) The city council has concluded that if the proliferation of residential rental units continues unchecked, it will eventually place the city housing stock in a downward spiral that will result in the continued loss of stable neighborhoods, decline in property values, and a disincentive to potential residential purchasers to buy and remain in the city.

(3) The city council has determined a reduction in the number of residential rental units is necessary to preserve the attractiveness, desirability, character, and privacy of residential neighborhoods and preclude the deleterious effects a high percentage of rental properties can have on a neighborhood with regard to property deterioration, increased density, congestion, noise and traffic levels, and reduction of property values.

(4) The city council has determined that the health, safety, morals and general welfare of the citizens of the city and the economic welfare of the city will be protected by the imposition of a one year moratorium on the issuance of residential rental unit certification.

(5) The imposition of a one year moratorium on the issuance of residential rental unit certification will afford the city time to study the rate of social program requests, police and fire calls, and other public service requests from residential rental units, and otherwise study the effects of the moratorium and further study and review the deleterious effects of high percentages of residential rental units on the city, its residents, property owners and its neighborhoods.

(b) Moratorium on Certification of Residential Rental Units.

(1) For a period from October 1, 2010, to September 30, 2011 (the "moratorium period"), there shall be a moratorium on the issuance of any new residential rental certifications, except as provided below. During the moratorium period, no new residential rental certifications shall be issued within the city except as follows:

a. A rental certification obtained through the procedure provided in paragraph (d) below; or

b. A rental certification obtained through the normal application process where such application is received by the City of Port Huron Planning Department by the day before the effective date of the Moratorium period, i.e., September 30, 2010; or

c. A rental certification obtained on a property that closed on a sale after the effective date of the moratorium period where a purchaser is able to provide sufficient evidence that a purchase agreement on the subject property was executed on or before September 30, 2010; or

d. A rental certification obtained on a property within the state approved Downtown Port Huron Neighborhood Enterprise Zone; or

e. A rental certification obtained by the Port Huron Housing Commission on either of two projects, the Dulhut Village revitalization project and the Garfield Street Senior

Apartment project, both of which are currently underway and which are already in the development phase.

(2) If an owner surrenders an existing certification, or allows, either intentionally or unintentionally, a certification to remain expired for more than three months, any subsequent use of the property shall be subject to the restrictions imposed by this moratorium.

(c) Effect on Sec. 10-151 through Sec. 10-177.

During the effective dates of this moratorium:

(1) The terms of this Section shall take precedence over the provisions of Section 10-151 through Section 10-177, and to the extent any provision set forth in Section 10-151 through Section 10-177 are contrary to the provisions of Section 10-178, they are suspended during the period of this moratorium.

(2) The waiver provision referenced in Section 10-159(b)(3) is suspended.

(d) Hardship Exceptions; Rental Certification Appeal Panel

(1) During the time of the moratorium, the city council will create a rental certification appeal panel, which will have authority to allow a hardship exception to the moratorium.

(2) The rental certification appeal panel will be comprised of three members appointed by the city council.

(3) A hardship for purposes of this ordinance shall be defined as the inability of the owner to purchase or pay for 1 or more of the following without the ability to obtain rents on the subject property:

a. Medical care or a medical device for the owner or the owner's dependents;

b. Debts of the owner resulting from a mortgage, land contract or other loan used to purchase the subject property; or

c. Debts of the owner due to child support, alimony, a tax lien, funeral expenses, or a judgment.

(4) A hardship shall also include the following circumstances:

a. Where a home owner owns property that is occupied by the owner and a change in the owner's personal circumstances require a rental to preserve the financial stability of the owner. For example, this section would apply to a person who is required to temporarily relocate their residence for a period of time and needs to rent their home in their absence. Under this circumstance, the rental certification appeal panel may limit the rental certification to a period of twelve (12) months or less.

b. An owner occupied duplex that was originally designed and built as a duplex where the owner is dependent on the income from both units. To qualify, both units would be required to meet code requirements.

(5) Only one appeal per property per year is permitted.

(6) Any owner who has been renting property without having obtained the certification is disqualified from seeking a hardship exception.

(7) The determination of whether a hardship exists will be made at the sole option and discretion of the rental certification appeal panel.

(8) In addition to any other rights available at law, any person denied a rental certification due to the existence of this moratorium, shall have the right to appeal such denial within thirty (30) days of such denial to the rental certification appeal panel. The city department that denied the certification for which the appeal is taken shall forthwith transmit to the rental certification appeal panel all the documents constituting the record upon which the action appealed from was taken. The person submitting the appeal must provide complete evidentiary and/or documentary support justifying his/her appeal at the time of filing the appeal. Said person shall have a right to a hearing before the rental certification appeal panel within thirty (30) days of the initiation of the appeal, and said rental certification appeal panel shall issue a final and binding written decision within fourteen (14) days of the hearing.

Susan M. Child, CMC  
City Clerk

ADOPTED: 09/27/10  
PUBLISHED: 10/02/10  
EFFECTIVE: 10/02/10

Motion adopted by the following vote:

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

Yes: Councilmembers Lewandowski, Miller and Moeller.

Absent: None.

#### MOTIONS & MISCELLANEOUS BUSINESS

1. **Mayor Repp** thanked the Police Chief and his department for the containment of the recent gunman situation without incident.

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

SUSAN M. CHILD, CMC  
City Clerk

**Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, October 11, 2010, at 5:00 p.m. in Conference Room 408, Municipal Office Center.**

The meeting was called to order by Mayor Repp.

Present: Mayor Repp; Councilmembers Archibald, Lewandowski, Miller, Moeller (arrived at 5:10 p.m.) and Ruiz.

Absent: Councilmember Fisher.

**CLOSED SESSION**

1. **Councilmember Lewandowski** moved to enter into closed session for the purpose of discussing contract negotiations pursuant to Section 8(c) of the Open Meetings Act, seconded by Councilmember Miller.

Motion adopted by the following vote:

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

No: None.

Absent: Councilmember Fisher

On motion (5:40 p.m.), the Council adjourned from closed session into the special meeting.

**MISCELLANEOUS BUSINESS**

1. **Budget:** The City Manager stated that an internal task force team, comprised of the Fire Chief, Finance Director, City Engineer and Human Resources Director, has been researching and working on ways to decrease expenses in next year's budget.

The Finance Director provided an overview of the current budget and some of the areas he anticipates reductions or increases in for the upcoming budget.

The task force team members provided the following items they are researching for cost savings and/or reductions for next year's budget and stated it was important for them to hear feedback from Council if an idea should or should not be pursued:

- Possible adjustments to prescription health care for retirees (name brands vs. generic) that will not increase the retiree costs.
- Reduce the frequency of snow plowing.
- Service reductions for trash and yard waste services. The current contract expires next year and more alternative bid options will be requested to determine the individual cost of the programs.
- Reductions in recreational park activity.
- Regional collaborations are still being explored; however, there does not appear to be an interest in a regional fire authority at this time.
- Contracting with outside vendors to run the water and/or wastewater facilities. At this time, preliminary inquiries are not showing a cost savings but this will continue to be explored.
- Preliminary meetings have been held with Enterprise rent a car to determine if there is a better way to provide supervisor trucks and pool cars.

On motion (6:40 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC  
City Clerk

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**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, October 11, 2010, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.**

The meeting was called to order by Mayor Repp.

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

The minutes of the regular meeting of September 27, 2010, were approved.

**Councilmember Moeller** moved to add Resolution #8 to the Council's consent agenda, seconded by Councilmember Fisher. Motion adopted unanimously.

**PRESENTATIONS**

1. Proclaiming October 12, 2010 as "Betty Smith Day" in recognition of her many years of service as a MOC volunteer.
2. Andrew Hearn of Marinescape spoke about the proposed aquarium.
3. Shaun Groden, President of the Economic Development Alliance, discussed the EDA (see City Clerk File #10-124).
4. Amy Malmer and Amy Mangus, Southeast Michigan Council of Governments, discussed available services from SEMCOG and the recent assistance they provided to the City with a Stormwater Pollution Prevention project.
5. A summary of the November ballot proposals for the proposed City Charter was presented by Laurie Sample-Wynn, Chairperson, Port Huron Charter Commission (see City Clerk File #10-125).

**PUBLIC AUDIENCES**

1. Melinda Johnson, resident and Executive Director of Community Action Agency, commented on poverty and the conferences held in September regarding this and mentioned that the proposed aquarium could provide opportunities for college internships in marine biology.
2. Patricia Washington requested more time to make repairs to the home at 2942 - 27th Street (Code Case #10-025).
3. Ken Harris, Wells Street, commented on the 17th Street code case and awarding bids to local businesses (vehicle purchases and festival).
4. Jeannine Capadagli commented on tourists not being able to access information at the Chamber on the weekends and she mentioned the upcoming weekend Octoberfest events in the downtown district.
5. Anthony America, Port Huron, commented on the Military Street overpass project, the sculpture in front of the MOC and the aquarium.
6. Monica Mercurio commented about the Blue Water Fest financial report.
7. Alice O'Neil, Prospect Place, commented on the aquarium, keeping young people in the area and giving more attention to neighborhoods.

8. Trina Avedisian, 15th Street, commented that the proposed contract with JWA for next year's Blue Water Fest does not address local concerns.

9. Wing Thiele, Riverside Drive, commented that the proposed Blue Water Fest contract does not protect the interests of local citizens.

**CONSENT AGENDA**

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

**FROM THE CITY MANAGER**

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

On September 23, 2010, the City of Port Huron received ten (10) bids for a 2011 4X4 pickup truck with snow plow to be used by the Fire Department:

Varsity Ford (Ann Arbor, MI)	\$24,375.00
Garber Automotive Group (Midland, MI)	\$24,395.00
Jorgensen Ford (Detroit, MI)	\$24,444.44
Signature Ford (Owosso, MI)	\$24,796.00
Northgate Ford (Port Huron, MI)	\$25,149.00
Red Holman Buick GMC (Westland, MI)	\$25,775.00
Garber Automotive Group (Midland, MI)	\$25,989.00
Berger Chevrolet (Grand Rapids, MI)	\$26,252.45
Hank Graff Chevrolet (Davidson, MI)	\$26,311.00
Jefferson Chevrolet (Detroit, MI)	\$27,297.00

It is recommended that the bid of Varsity Ford, P. O. Box 2507, Ann Arbor, Michigan 48106, in the amount of Twenty-Four Thousand Three Hundred Seventy-Five and 00/100 Dollars (\$24,375.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion *rejected* by the following vote:

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

**Councilmember Moeller** moved to award the above bid to Northgate Ford, seconded by Councilmember Lewandowski. Motion adopted by the following vote:

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

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

On September 23, 2010, the City received four (4) bids for a 6 cubic yard packer truck for the Forestry Division:

Bell Equipment (Lake Orion, MI)	\$71,495.00
Northgate Ford (Port Huron, MI)	\$71,760.00
Cannon Equipment (Shelby Twp, MI)	\$72,368.00
Fredrickson Supply (Wyoming, MI)	\$72,368.00

It is recommended that the bid of Bell Equipment, 78 Northpointe Drive, Lake Orion, Michigan, 48359, in the amount of Seventy One Thousand Four Hundred Ninety-Five and 00/100 Dollars (\$71,495.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion *rejected* by the following vote:

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

**Councilmember Moeller** moved to award the above bid to Northgate Ford, seconded by Councilmember Fisher. Motion adopted by the following vote:

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

**CM-3. Councilmember Archibald** moved to receive and file the 2010 Blue Water Fest financial report, seconded by Councilmember Fisher (see City Clerk File #10-126).

Motion adopted unanimously.

**RESOLUTIONS**

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

BE IT RESOLVED that the Finance Director is hereby authorized to pay the attached payments. (See City Clerk File #10-01)

Motion 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 single lot special assessments in the total amount of \$5,032.00 for sidewalk replacement upon the lots and premises described in the attached special assessment report (see City Clerk File #10-127).

Adopted by consent.

**R-3. Councilmember Moeller** moved to adopt a resolution approving the request of the Blue Water Festival Revival group to hold an event in conjunction with the 2011 Blue Water Fest the weekend of the Mackinac Sailboat Race. There being no second to the motion, the motion was lost.

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

WHEREAS, the City of Port Huron desires to retain Jonathan Witz & Associates to manage and stage the Blue Water Fest, to take place during the dates of July 21-23, 2011; and

WHEREAS, events during the festival will be located at selected venues along the Black River and in parking lots and possibly streets adjacent to the area selected; and

WHEREAS, an agreement has been prepared that provides the details for the management and staging of this festival by Jonathan Witz & Associates;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached agreement with Jonathan Witz & Associates to produce the Blue Water Fest to take place in Port Huron during the dates of July 21-23, 2011. (See City Clerk File #10-128)

Motion adopted by the following vote:

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

**\*R-5.** WHEREAS, City Administration has been notified by the City's Building Official that the following properties located within the City of Port Huron, St. Clair County, Michigan, are in a state of disrepair:

Code Case #	Addresses	Legal Descriptions
10-023	422 - 17 <sup>th</sup> Street	Lot 6, Block 4, Mills' Lapeer Avenue Subdivision
10-025	2942 - 27 <sup>th</sup> Street	Lots 35 and 26, Szerdahely and Saghy Subdivision, including one-half of vacated alley adjacent
10-026	740 Court Street	West 52 feet of north 101 feet Lot 8, Block 27, White Plat
10-028	1130 Lapeer Avenue	Lot 6, except south 113.06 feet Block 141, White Plat
10-030	1725 Poplar Street	South 29.17 feet of north 110 feet of Lots 1 and 2, Block 56, Subdivision of the Fort Gratiot Military Reservation
10-034	719 White Street	Lot 13, Block 35, White Plat

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

WHEREAS, the City Council believes it is warranted in conducting public hearings and investigations pursuant to such provisions of Chapter 10 and Chapter 40 of said Code for the purpose of ascertaining and determining for itself whether such condition or conditions exist at these properties;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron shall conduct separate public hearings on October 25, 2010, at 7:00 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, 100 McMorran Boulevard, for each of the above-listed properties for the purposes and according to the procedures referred to above and provide for the recording of such hearings.

BE IT FURTHER RESOLVED that the City Clerk shall notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's record, at least ten (10) days in advance of the date herein set for such hearing and investigation and the notice shall state that the interested parties will be given the opportunity to state their case for or against bringing this property up to code or demolition of this property, at the time of the public hearing.

BE IT FURTHER RESOLVED that a notice shall be published in the Times Herald newspaper at least ten (10) days in advance of said hearing and the notice shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Chapter 10, §10-211, and Chapter 34, §34-3, Code of Ordinances of the City of Port Huron.

Adopted by consent.

**\*R-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 \$580.00 upon the lots and premises described in the attached special assessment report for the cost of removing noxious weeds or unlawful growths or blighting factors (see City Clerk File #10-129).

Adopted by consent.

**\*R-7.** WHEREAS, Engineered Plastic Components, 1717 Beard Street, has applied for the transfer of the Blue Water Automotive Systems, Inc., Industrial Facilities Exemption Certificate #2007-522 to them; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby schedules a public hearing for **October 25, 2010**, in order to hear comments on the application of Engineered Plastic Components for the transfer of Industrial Facilities Exemption Certificate #2007-522; and

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

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

Adopted by consent.

**\*R-8.** WHEREAS, on February 22, 2010, the City Council, after due notice and proper hearing, adopted a resolution objecting to the renewal of the Class C/SDM liquor license located at 1934 Lapeer Avenue (the former Streamline Bar) for nonpayment of taxes, utility payments and/or income tax reporting/payments; and

WHEREAS, all payments have been made for this address;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council does hereby rescind the City's objection to the renewal of the Class C/SDM liquor license located at 1934 Lapeer Avenue; and

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

Adopted by consent.

**ORDINANCES**

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

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAP, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY LOCATED AT 2807 CONNER STREET AND 2808 GOULDEN STREET FROM AN M-1 (LIGHT INDUSTRIAL) ZONING DISTRICT TO AN R-1 (SINGLE- AND TWO-FAMILY RESIDENTIAL) ZONING DISTRICT.

Motion adopted unanimously.

**MOTIONS & MISCELLANEOUS BUSINESS**

1. **Mayor Repp** announced that the fall leaf program has begun and continues through December 3.
2. **Councilmember Archibald** mentioned that the Community Action Agency of St. Clair County is having their annual Weatherization Day on October 14 and it is an opportunity for the public to become more aware of and become more energy efficient.
3. **Councilmember Moeller** mentioned his regrets on the recent passing of retired Police Detective Harry Hudson and to keep retired Police Officer John Butts, who suffered a heart attack recently, in our prayers.

On motion (9:00 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC  
City Clerk

**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, October 25, 2010, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.**

The meeting was called to order by Mayor Repp.

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

The minutes of the regular meeting of October 11, 2010, and the special meeting of October 11, 2010, were approved.

**PRESENTATIONS**

1. The Port Huron Beautification Commission presented "Tree Recognition Program" certificates to acknowledge the planting of a tree in the city in memory of a loved one or dear friend or to honor or recognize an individual. (See City Clerk File #10-130)

**PUBLIC HEARINGS**

1. **The Mayor** announced that this was the time to hear comments on Code Case #10-023, 422 17<sup>th</sup> Street, to determine whether they constitute a nuisance as defined by Chapter 10, §10-211, and Chapter 34, §34-3, of the Port Huron City Code.

Ken Harris commented that the owners had the chance to update their neighborhoods. He also commented that 1130 Lapeer Avenue should be demolished.

Lynn Bezenah commented that she is an adjacent neighbor and requested the home be demolished as the landlord has neglected to maintain the property and allowed odors, mice, garbage and grass issues to be a problem for her family.

David Dobney commented that his father, David Dobney, would like to purchase and repair the property so his brother can move in.

Kim Harmer, Planning Director, provided a brief history and overview of the property conditions and commented that she would not recommend allowing a sale of the home.

Darlene Peterson, Riverside Drive, commented about the statements made about the living conditions by the adjacent neighbor and supports the demolition.

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

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as: *Lot 6, Block 4 Mills' Lapeer Avenue Subdivision*, also known as 422 - 17th Street, has been brought to the attention of the City Council by the Building Official as Code Case #10-023 claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #10-131); and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property of violations of the Port Huron Code of Ordinances and requesting abatement of these conditions and, to date, there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted October 11, 2010, with respect to said property, it is the judgment of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, §10-211 and Chapter 34, §34-3 of the Port Huron Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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

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

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

Motion adopted unanimously.

2. **The Mayor** announced that this was the time to hear comments on Code Case #10-025, 2942 27<sup>th</sup> Street, to determine whether they constitute a nuisance as defined by Chapter 10, §10-211, and Chapter 34, §34-3, of the Port Huron City Code.

Kim Harmer, Planning Director, commented that the property owner has agreed to have the home demolished and may qualify for demolition assistance.

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

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as: *Lots 35 and 36, Szerdahely and Saghy Subdivision including one-half of vacated alley adjacent*, also known as 2942 - 27th Street, has been brought to the attention of the City Council by the Building Official as Code Case #10-025 claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #10-132); and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property of violations of the Port Huron Code of Ordinances and requesting abatement of these conditions and, to date, there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted October 11, 2010, with respect to said property, it is the judgment of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, §10-211 and Chapter 34, §34-3 of the Port Huron Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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

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

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

Motion adopted unanimously.

**3. The Mayor** announced that this was the time to hear comments on Code Case #10-026, 740 Court Street, to determine whether they constitute a nuisance as defined by Chapter 10, §10-211, and Chapter 34, §34-3, of the Port Huron City Code.

Kim Harmer, Planning Director, provided a brief history and overview of the property conditions and stated the demolition has been considered by the local and state historic district committees and that demolition is the only feasible option.

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

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as: *West 52 feet of north 101 feet Lot 8, Block 37, White Plat*, also known as 740 Court Street, has been brought to the attention of the City Council by the Building Official as Code Case #10-026 claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #10-133); and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property of violations of the Port Huron Code of Ordinances and requesting abatement of these conditions and, to date, there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted October 11, 2010, with respect to said property, it is the judgment of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, §10-211 and Chapter 34, §34-3 of the Port Huron Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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

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

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

Motion adopted unanimously.

**4. The Mayor** announced that this was the time to hear comments on Code Case #10-028, 1130 Lapeer Avenue, to determine whether they constitute a nuisance as defined by Chapter 10, §10-211, and Chapter 34, §34-3, of the Port Huron City Code.

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

Darlene Peterson, Riverside Drive, commented that the home is not safe, the owners are out of state and supports demolition.

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

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as: *Lot 6, except south 113.06 feet, Block 141, White Plat*, also known as 1130 Lapeer Avenue, has been brought to the attention of the City Council by the Building Official as Code Case #10-028 claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #10-134); and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property of violations of the Port Huron Code of Ordinances and requesting abatement of these conditions and, to date, there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted October 11, 2010, with respect to said property, it is the judgment of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, §10-211 and Chapter 34, §34-3 of the Port Huron Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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

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

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

Motion adopted by the following vote:

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

5. **The Mayor** announced that this was the time to hear comments on Code Case #10-030, 1725 Poplar Street, to determine whether they constitute a nuisance as defined by Chapter 10, §10-211, and Chapter 34, §34-3, of the Port Huron City Code.

Kim Harmer, Planning Director, provided a brief history and overview of the property conditions and stated the home is in foreclosure and the bank has not responded to any of the notices that have been sent.

Darlene Peterson, Riverside Drive, stated that her previous comments for Public Hearing #4 were the same for this item.

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

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as: *South 29.17 feet of north 110 feet Lots 1 and 2, Block 56, Subdivision of the Fort Gratiot Military Reservation*, also known as 1725 Poplar Street, has been brought to the attention of the City Council by the Building Official as Code Case #10-030 claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #10-135); and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property of violations of the Port Huron Code of Ordinances and requesting abatement of these conditions and, to date, there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted October 11, 2010, with respect to said property, it is the judgment of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, §10-211 and Chapter 34, §34-3 of the Port Huron Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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

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

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

Motion adopted unanimously.

6. **The Mayor** announced that this was the time to hear comments on Code Case #10-034, 719 White Street, to determine whether they constitute a nuisance as defined by Chapter 10, §10-211, and Chapter 34, §34-3, of the Port Huron City Code.

Kim Harmer, Planning Director, provided a brief history and overview of the property conditions and commented that since the lot is buildable the Port Huron Neighborhood Housing Commission would be interested in building a new home on the lot.

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

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as: *Lot 6, except south 113.06 feet, Block 141, White Plat*, also known as 1130 Lapeer Avenue, has been brought to the attention of the City Council by the Building Official as Code Case #10-028 claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #10-136); and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property of violations of the Port Huron Code of Ordinances and requesting abatement of these conditions and, to date, there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted October 11, 2010, with respect to said property, it is the judgment of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, §10-211 and Chapter 34, §34-3 of the Port Huron Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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

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

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

Motion adopted unanimously.

7. **The Mayor** announced that this was the time to hear comments on the application of Knolls, LC, the real estate entity associated with Engineered Plastic Components, Inc., for the transfer of the 1717 Beard Street Industrial Facilities Exemption Certificate #2007-522.

Renee Stephan, Economic Development Alliance, stated that she was representing the company requesting the tax abatement and commented that the company is growing and making acquisitions of other plastic companies and asked for favorable consideration of the transfer.

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

WHEREAS, Knolls, LC, the real estate entity associated with Engineered Plastic Components, Inc., has applied for the transfer of existing Industrial Facilities Exemption Certificate #07-522 from Blue Water Automotive Systems, Inc., 1717 Beard Street, to them; and

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

WHEREAS, the Port Huron City Council held a public hearing on October 25, 2010, to hear comments on the application; and

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

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the Knolls, LC application for transfer of the Industrial Facilities Exemption #07-522 and hereby authorizes the City Clerk to forward the application to the State Tax Commission; and

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

Motion adopted unanimously.

AT THIS POINT, **Councilmember Archibald** moved to suspend the Council's rules to allow for reconsideration of the special use permit previously denied, seconded by Councilmember Moeller. Motion adopted by the following vote:

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

AT THIS POINT, **Councilmember Moeller** moved to add Resolution #6 to the agenda, seconded by Councilmember Miller. Motion adopted by the following vote:

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

## PUBLIC AUDIENCES

1. Mike Taylor, St. Clair County Conservation District Board, spoke about their millage request and asked for support by the citizens.

2. Rev. Arnold Koontz asked for favorable support of his request for a special use permit for a homeless shelter on 24<sup>th</sup> Street and that the shelter would serve only City residents who must have a valid ID, that funding would be from donors and local churches and that he wants to help bring people out of desperate situations.

3. Kathleen Doelle, E. Pointe Drive, commented in support of the homeless shelter and rescue mission and that two homeless people have recently passed away and might have been helped by such a facility and that the homeless situation is only going to get worse.

4. Mike Berro commented that he is a prisoner coordinator for five counties and that he assists those individuals who come back to the community after being in prison. He commented that the shelter will be a model for other shelters and that supporting the citizens is the right thing to do.
5. Sharon Bender, South Boulevard, commented that she lives by the Huron House, which is a similar facility, and that she has not experienced any problems and supports the homeless shelter. She also commended the City for putting in the wood chips in the tot lot playground area.
6. Ken Harris, Wells Street, commented about the election next week and the importance that citizens participate.
7. Darlene Peterson, Riverside Drive, expressed thanks for the diligent hard work of Kim Harmer and Bob Clegg and commented that the sidewalk on Scott Avenue is frequently used and that the residents cannot afford to fund the aquarium project.
8. Margarent Enright commented that residents cannot afford to fund the aquarium project.
9. Anthony America commended Rev. Koontz for what he wants to do but before agreeing to the matter he suggested that a report from the Police Chief be provided on whether or not the shelter would be a good thing.
10. Bruce Francek, Port Huron, commented that he has the homeless at heart, but wondered if the type of residents proposed to be at the shelter will be good fit for the community.

**CONSENT AGENDA**

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

**RESOLUTIONS**

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

WHEREAS, the Michigan Department of Transportation (MDOT), without permission from the City, removed the sidewalk along the north side of Scott Avenue from Riverside Drive to Pine Grove Avenue;

WHEREAS, MDOT submitted a letter to the City of Port Huron requesting approval for the removal of public sidewalks along several City street right of ways within the Blue Water Bridge project; and

WHEREAS, the City Council received this communication and asked the Administration to review the letter and report back to City Council; and

WHEREAS, City Administration has investigated this request and has produced a report detailing the facts regarding the removal of these sidewalks (see City Clerk File #10-137); and

WHEREAS, the Port Huron Area School District has submitted a letter to the City informing us that the sidewalk on the north side of Scott Avenue is necessary for the safety of school children; and

WHEREAS, MDOT has also requested the vacation of Mansfield Street from Pine Grove Avenue to the west, and if the City Council approves the vacation of this street, MDOT would have the right to remove the sidewalk without City authorization;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby denies MDOT's request to remove the sidewalks as referenced in its September 17 letter and directs that MDOT reinstall the sidewalk that was removed along the north side of Scott Avenue.

Motion *rejected* unanimously.

NOTE: For clarification, based on the Council's rejection of the resolution, MDOT will not be directed to reinstall the sidewalk.

**\*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 single lot special assessments in the total amount of \$1,783.50 for sidewalk replacement upon the lots and premises described in the attached special assessment report (see City Clerk File #10-138).

Adopted by consent.

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

WHEREAS, the City determines water usage by measuring flow from over twelve thousand meters of various sizes and approximately fifty percent of these meters are more than twenty-five years old and are in need of replacement; and

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

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

WHEREAS, "performance contracting" involves entering into a contract with a private company that will prepare a project development plan that will identify, evaluate and recommend improvements to the infrastructure with the contractor costs being funded by savings realized through the project; and

WHEREAS, if the City proceeds with the performance contract, any costs incurred by the contractor to develop the project development plan will be funded by savings developed through that project; and

WHEREAS, a preliminary internal review has been made of the City's water meter infrastructure and it is a project that will have sufficient operating savings necessary to repay the costs of this project;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached agreement with Johnson Controls, Inc., for the performance contracting project development at a cost of \$136,533.00 (which is expected to be absorbed by the eventual performance contract) and authorizes the appropriate City officials to execute the agreement (see City Clerk File #10-139).

Motion adopted by the following vote:

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

**\*R-4.** WHEREAS, the State of Michigan offers low interest loans to assist local governments in financing the construction of Wastewater Treatment Plant Improvements under the State Revolving Fund (SRF) Loan Program and Drinking Water Revolving Loan Fund (DWRFL); and

WHEREAS, a public hearing on the proposed Combined Sewer Overflow Control/Water System Improvements Project Plan is a requirement of the SRF and DWRFL loan programs, to be held prior to the finalization of the report; and

WHEREAS, a copy of the proposed Combined Sewer Overflow Control/Water System Improvements Project Plan will be available for public review in the City Clerk's office beginning November 1, 2010;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for December 13, 2010, in order to hear comments on the proposed Combined Sewer Overflow Control/Water System Improvements Project Plan.

Adopted by consent.

**\*R-5.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for removal of noxious weeds or unlawful growths or blighting factors; and

WHEREAS, the costs for removing noxious weeds or unlawful growths or blighting factors shall be assessed to the property owners pursuant to Chapter 22, Sections 22-83 and 22-108, City of Port Huron Code of Ordinances; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot assessments in the total amount of \$1,081.00 upon the lots and premises described in the attached special assessment report for the cost of removing noxious weeds or unlawful growths or blighting factors. (See City Clerk File #10-140)

Adopted by consent.

**R-6. Councilmember Moeller** moved the reconsideration and adoption of the following resolution, seconded by Councilmember Lewandowski:

WHEREAS, a request has been received for a special use permit to operate a homeless shelter/rescue mission in an M-1 (Light Industrial) zoning district at 1920 - 24th Street; and

WHEREAS, on September 7, 2010, 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: 7 ayes; 0 nays; 2 absent);

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the Zoning Administrator to issue a special use permit for a homeless shelter/rescue mission, not to exceed 20 beds, limited to males 18 years of age or older, and in accordance with all state and local codes, at 1920 - 24th Street and adjacent vacant lot to the north, City of Port Huron.

**Councilmember Archibald** moved to amend the resolution to add that the occupants must be St. Clair County residents only and that the permit be issued for one-year, seconded by Councilmember Miller.

Motion adopted by the following vote:

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

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

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

## ORDINANCES

**\*O-1.** An ordinance introduced October 11, 2010, entitled and reading as follows was given its third and final reading and enacted:

### ORDINANCE NO. 1317

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAP, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY LOCATED AT 2807 CONNER STREET AND 2808 GOULDEN STREET FROM AN M-1 (LIGHT INDUSTRIAL) ZONING DISTRICT TO AN R-1 (SINGLE- AND TWO-FAMILY RESIDENTIAL) ZONING DISTRICT

### THE CITY OF PORT HURON ORDAINS:

That Chapter 52, Zoning, Article III, District Regulations, Division 1, Generally, Section 52-162, Map, of the Code of Ordinances of the City of Port Huron is hereby amended by changing the following area from an M-1 (Light Industrial) zoning

district to an R-1 (Single- and Two-Family Residential) zoning district:

*Lots 1, 2, and 9, Block 2, Factory Land Company's Plat No. 1, City of Port Huron, St. Clair County, Michigan.*

Susan M. Child, CMC  
City Clerk

ADOPTED: 10/25/10  
PUBLISHED: 10/30/10  
EFFECTIVE: 11/07/10

Motion adopted by consent.

**MOTIONS & MISCELLANEOUS BUSINESS**

1. **Mayor Repp** encouraged individuals to vote at the November 2 election.
2. **Councilmember Lewandowski** expressed thanks to Mueller Brass and Kim Harmer for the replacement of the broken windows at the Mueller Brass facility.

On motion (9:00 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC  
City Clerk

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**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, November 8, 2010, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.**

The meeting was called to order by Mayor Repp.

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

The minutes of the regular meeting of October 25, 2010, were approved.

**PRESENTATIONS**

1. Proclamation declaring November 14-20 as "Homeless Awareness Week" was presented to Andy Bennett, Program Manager of Safe Horizons Pathway Shelter Home.

**PUBLIC AUDIENCES**

1. Margaret Enright commented on the 24<sup>th</sup> Street homeless shelter.

2. Steve Hill, attorney representing the owner of 2001 - 11<sup>th</sup> Avenue, expressed objections to the street vacations (Res. #6) because of potential traffic delays they may encounter when they attempt to make timely deliveries of their pharmaceutical material to area and out-of-county hospitals.

NOTE: **Councilmember Fisher** moved to allow Mr. Hill additional time to speak, seconded by Councilmember Miller. Motion adopted by 6-ayes; 1-nay (Councilmember Moeller).

3. Paul Strickland objected to the special use permit for a parking lot on Thomas Street.

4. Anthony America commented on the proposed casino, sale of the Bramble, Blue Water Maiden and the marina property.

**CONSENT AGENDA**

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

**RESOLUTIONS**

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

BE IT RESOLVED that the Finance Director is hereby authorized to pay the attached payments. (See City Clerk File #10-01)

Motion adopted unanimously.

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

WHEREAS, the Port Huron City Council created a Quality of Life Commission at its meeting held on September 14, 2009; and

WHEREAS, the members of the Quality of Life Commission are appointed by the City Manager with the approval of the City Council; and

WHEREAS, the Thumb Area Association of Realtors has notified the City that Chris Herber has replaced John Cooper as their representative;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and approves Chris Herber as the Thumb Area Association of Realtors representative on the Quality of Life Commission for a term to expire September 28, 2012.

Motion adopted by the following vote:

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

No: None.

Abstained: Councilmember Miller.

Absent: None.

**\*R-3.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for removal of noxious weeds or unlawful growths or blighting factors; and

WHEREAS, the costs for removing noxious weeds or unlawful growths or blighting factors shall be assessed to the property owners pursuant to Chapter 22, Sections 22-83 and 22-108, City of Port Huron Code of Ordinances; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot assessments in the total amount of \$425.00 upon the lots and premises described in the attached special assessment report for the cost of removing noxious weeds or unlawful growths or blighting factors (see City Clerk File #10-141)

Adopted by consent.

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

WHEREAS, the cost for trash pickup in the right-of-way shall be assessed to the property owner(s) pursuant to City ordinances, Sections 38-11, 40-19, and 42-17; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot special assessments in the total amount of \$654.02 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 #10-142).

Adopted by consent.

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

WHEREAS, a request has been received for a special use permit to construct a parking lot in an R-1 (Single- and Two-Family Residential) zoning district on property generally located at Thomas Street west of 12th Avenue, east of the Black River, south of Whipple Street and north of Thomas Street, City of Port Huron, and legally described as *Lots 47, 48, and 49, Block 3, Highland Plat, according to the plat thereof as recorded in Liber 28 of Plats, page 2, St. Clair County Register of Deeds, City of Port Huron, St. Clair County, Michigan; and*

WHEREAS, on November 2, 2010, the City of Port Huron Planning Commission held a public hearing to receive comments on the proposal; and

WHEREAS, the Planning Commission, after due consideration, recommended **APPROVAL** of the request (vote: 5 ayes; 0 nays; 4 absent; 0 abstained;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the Zoning Administrator to issue a special use permit to construct a parking lot on a vacant parcel of land generally located at Thomas Street west of 12th Avenue, east of the Black River, south of Whipple Street and north of Thomas Street, City of Port Huron in accordance with the special conditions that the parking lot not be used for deliveries or truck parking or staging.

Motion adopted unanimously.

**R-6. Councilmember Miller** moved the adoption of the following resolution, seconded by Councilmember Archibald:

WHEREAS, the I-94 Black River Bridge improvements are planned for next year and the Michigan Department of Transportation will require and has requested that the following described street rights-of-way be vacated:

**11<sup>th</sup> Avenue Vacation**

*commencing at the point of beginning at the southeast corner of Lot 3 of Lot 6, Outstanding Lot O, Miles' Subdivision; said point being located on the west right-of-way line of 11th Avenue; thence northerly along the west right-of-way line of 11th Avenue to the northeast corner of Lot 1 of Lot 5, Outstanding Lot O, Miles' Subdivision, said point being located at the intersection of west right-of-way line of Pine Grove Avenue and the west right-of-way line of 11th Avenue; thence southeasterly along the west right-of-way line of Pine Grove Avenue to the northwest corner of Lot 4, Outstanding Lot O, Subdivision of The Fort Gratiot Military Reservation, said point being located at the intersection of the west right-of-way line of Pine Grove Avenue and the east right-of-way line of 11th Avenue; thence southerly along the east right-of-way line of 11th Avenue to the southwest corner of Lot 5 of Lot 7, of Boynton & Wright's Subdivision of Lots 7 and 8 of Outstanding Lot "O" of a part of the Fort Gratiot Military Reservation; thence westerly across 11th Avenue to the point of beginning; and*

**12<sup>th</sup> Avenue Vacation**

*commencing at the point of beginning at the southeast corner of Lot 1 of Prospect Hill Plat, said point being located at the intersection of the north right-of-way line of Scott Avenue and the west right-of-way line of 12th Avenue; thence northerly along the west right-of-way line of 12th Avenue to the southeast corner of Lot 1, Bennett-Knill Plat, said point being located at the*

*intersection of the west right-of-way line of 12th Avenue and the north right-of-way line of Mansfield Street; thence easterly across 12th Avenue along the north right-of-way line of Mansfield Street to the southwest corner of Lot 12 of Lot 5, Outstanding Lot O of Miles' Subdivision, said point being located at the intersection of the east right-of-way line of 12th Avenue and the north right-of-way line of Mansfield Street; thence southerly along the east right-of-way line of 12th Avenue to the southwest corner of Lot 12 of Lot 6, Outstanding Lot O, Miles' Subdivision, said point being located at the intersection of the north right-of-way line of Scott Avenue and the east right-of-way line of 12th Avenue; thence westerly across 12th Avenue along the north right-of-way line of Scott Avenue to the point of beginning; and*

**Harker Street Vacation (East of Pine Grove)**

*commencing at the point of beginning at the southwest corner of Lot 56 of Lots 27, 28, 29, 30 and 32 of McNeil Tract, said point being located at the intersection of the north right-of-way line of Harker Street and the east right-of-way line of Pine Grove Avenue; thence easterly along the north right-of-way line of Harker Street to the southeast corner of Lot 1 of Lots 27, 28, 29, 30 and 32 of McNeil Tract, said point being located at the intersection of the north right-of-way line of Harker Street and the west right-of-way line of 10th Avenue; thence southerly along the west right-of-way line of 10th Avenue to the northeast corner of Lot 2 of Outstanding Lot O, Subdivision of the Fort Gratiot Military Reservation, said point being located at the intersection of the south right-of-way line of Harker Street and the west right-of-way line of 10th Avenue; thence westerly along the south right-of-way line of Harker Street to the northwest corner of Lot 2 of Outstanding Lot O, Subdivision of the Fort Gratiot Military Reservation, said point being located at the intersection of the south right-of-way line of Harker Street and the east right-of-way line of Pine Grove Avenue; thence northwesterly along the east right-of-way line of Pine Grove Avenue to the point of beginning; and*

**Mansfield Street Vacation (West of Pine Grove)**

*commencing at the point of beginning at the intersection of the north right-of-way line of Mansfield Street and the northwestern right-of-way line of I-94, said point being located on the south line of Lot 43 of Assessor's Mansfield Street Plat; thence easterly along the north right-of-way line of Mansfield Street to the southeast corner of Lot 4, Outstanding Lot O, Subdivision of The Fort Gratiot Military Reservation, said point being located at the intersection of the north right-of-way line of Mansfield Street and the west right-of-way line of Pine Grove Avenue; thence southerly across Mansfield Street to the northeast corner of Lot 2, Outstanding Lot O, Boynton & Wright's Subdivision, of Lots 7 & 8 of Outstanding Lot "O" of a part of the Fort Gratiot Military Reservation; said point being located on the south right-of-way line of Mansfield Street; thence westerly along the south right-of-way line of Mansfield Street to a point located at the intersection of the south right-of-way line of Mansfield Street and the northwestern right-of-way line of I-94; thence northeasterly along the northwesterly right-of-way line of I-94 to the point of beginning; and*

**Mansfield Street Vacation (East of Pine Grove)**

*commencing at the point of beginning at the southwest corner of Lot 3 of Outstanding Lot O, Subdivision of The Fort Gratiot Military Reservation, said point being located at the intersection of the east right-of-way line of Pine Grove Avenue and the north right-of-way line of Mansfield Street; thence easterly along the south line of said Lot 3 of Outstanding Lot O and north right-of-way line of Mansfield Street to the southeast corner of said Lot 3 of Outstanding Lot O, said point being located at the intersection of the west right-of-way line of 10th Avenue and the north right-of-*

way line of Mansfield Street; thence southerly along the west right-of-way line of 10th Avenue to the northeast corner of Lot 9 of Outstanding Lot O, Subdivision of the Fort Gratiot Military Reservation, said point being located at the intersection of the west right-of-way line of 10th Avenue and the south right-of-way line of Mansfield Street; thence westerly along the north line of said Lot 9 of Outstanding Lot O and south right-of-way line of Mansfield Street to the northwest corner of said Lot 9 of Outstanding Lot O, said point being located at the intersection of the south right-of-way line of Mansfield Street and east right-of-way line of Pine Grove Avenue; thence northwesterly along the east right-of-way line of Pine Grove Avenue to the point of beginning; and

WHEREAS, on November 2, 2010, the City Planning Commission held a public hearing to receive comments and consider any objections to the proposed vacations; and

WHEREAS, after due consideration, it was the judgment of the Planning Commission that the vacation would be in keeping with the City's Master Plan and in furtherance of the public interest and benefit, and recommended the City Council approve the request (vote: 5 ayes; 0 nays; 4 absent);

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby vacates the above-described street right-of-ways with the reservations of full-width public utility easements.

AT THIS POINT, Mark Sweeney, MDOT Design Project Manager for this project, was given the opportunity to explain the improvements (see City Clerk File #10-143 for a copy of his presentation).

Motion adopted by the following vote:

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

**\*R-7.** WHEREAS, Resolution #2 was adopted by the Port Huron City Council on October 25, 2010, declaring two single lot assessments for costs incurred by the City of Port Huron for sidewalk replacement; and

WHEREAS, it has been determined that the address of 1007 - 17<sup>th</sup> Street was incorrectly listed in the report accompanying the resolution and that the address that should have been assessed is 1004 - 17<sup>th</sup> Street; and

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby rescinds the October 25, 2010, single lot assessment for 1007 - 17<sup>th</sup> Street for sidewalk replacement costs; and

BE IT FURTHER RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment for 1004 - 17<sup>th</sup> Street for sidewalk replacement costs totaling \$1,257.75 as described in the attached assessment report (see City Clerk File #10-144).

Adopted by consent.

#### MOTIONS & MISCELLANEOUS BUSINESS

1. **Mayor Repp** mentioned that Veterans Day is November 11 and that it is a good time to think about and remember those individuals who have fought for our many freedoms.

2. **Councilmember Moeller** mentioned that Don Daniels was recognized as the St. Clair County Allied Veterans Council Veteran of the Year and to remember the family of Pfc. Shane Reifert of Cottrellville Township who was killed recently while serving in Afghanistan.

On motion (8:00 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC  
City Clerk

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**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, November 22, 2010, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.**

The meeting was called to order by Mayor Repp.

Present: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Miller, Moeller (arrived at 7:05 p.m.) and Ruiz.

The minutes of the regular meeting of November 8, 2010, were approved.

**PRESENTATIONS**

- 1. Certificate of Recognition was presented to members of the Port Huron International Club.
- 2. Lee Ann Peart updated the Council on the Blue Water Fest Committee meeting held in November.

**PUBLIC AUDIENCES**

- 1. Ken Harris, Wells Street, commented on reducing the City's debt with the MDOT funding; the hiring of a Police Chief; requested an explanation of the \$11.5 million bond resolution; and encouraged attendance at high school hockey events.
- 2. The following commented in support of the demolition of 920 St. Clair Street (Code Case #10-047): Karen & Zackary Burgett and Chris Hayward.
- 3. Jeff Costonia commented that the bank has accepted his offer to purchase the home at 2223 - 7<sup>th</sup> Street (Code Case #10-037) and that he would like to renovate the home for his son to live in. Tim Kearns, Real Estate agent for the home, confirmed the information provided by Mr. Costonia.
- 4. Anthony America suggested that Captain Jim Jones be the next Police Chief.
- 5. Ron Pauli commented on his request for reconsideration of the order of demolition for 719 White Street.
- 6. Dan Girard, John L Street, commented on his high water bill and he asked how to receive a reimbursement for an incorrect reading of the meter.

**CONSENT AGENDA**

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

**COMMUNICATIONS & PETITIONS**

**C-1.** Letter from Ron Pauli requesting reconsideration or rescission of the demolition order for 719 White Street.

**Councilmember Moeller** moved to suspend the rules to allow for reconsideration of the demolition order for 719 White Street approved by the Council on October 25, 2010, seconded by Councilmember Fisher:

Motion *rejected* by the following vote:

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

**FROM BOARDS & COMMISSIONS**

**\*1.** We, the Canvass Board of St. Clair County, Michigan, did on Wednesday, November 3, 2010, meet in the County Clerk's Office, 201 McMorran Boulevard, Port Huron, and did publicly canvass the results of the City of Port Huron General Election held on Tuesday, November 2, 2010. The results of the canvass of said election for City propositions are as follows:

**CITY PROPOSAL #1 (Proposed City Charter)**

Shall the City Charter proposed by the Port Huron Charter Commission, which provides for 6 members of the City Council and the Mayor to be elected at-large, be adopted?

- Yes..... 3,321
- No..... 3,012

**Proposal declared PASSED.**

**CITY PROPOSAL #2 (At-Large and District Representation Option)**

This At-large and District Representation Option would provide, in place of at-large election of 6 City Council members and the Mayor, for a combination of at-large and district representation in the City Charter as follows:

- 3 City Council members and the Mayor elected from the City at-large;
- Establish 3 districts with 1 City Council member elected from each district.

Shall this alternative method of electing 3 City Council members by district and electing at-large 3 City Council members and the Mayor be adopted?

- Yes..... 2,983
- No..... 3,327

**Proposal declared FAILED.**

ST. CLAIR COUNTY BOARD OF CANVASSERS:

- /s/Loretta Johnson      /s/Rachel Siemen
- /s/Vickie Davis        /s/Yvonne Williams

DATED: November 3, 2010

Adopted by consent.

**FROM THE CITY MANAGER**

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

On September 23, 2010, the City of Port Huron Utilities Division received three (3) bids for the purchase and installation of a sweep drive mechanism for clarifier #2 at the Wastewater Treatment Plant:

Titus Welding Company, Inc. (Farmington Hills, MI)	\$249,800.00
O’Laughlin Construction Company (Brighton, MI)	\$271,900.00
Hammar’s Contracting, LLC (Smiths Creek, MI)	*

\* did not meet specifications

It is recommended that the bid of Titus Welding Company, 20750 Sunnysdale Avenue, Farmington Hills, Michigan 48336, in the amount of Two Hundred Forty-Nine Thousand Eight Hundred and 00/100 Dollars (\$249,800.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

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

On October 28, 2010, the City of Port Huron received three (3) unit price bids for soil, concrete, asphalt, and other material testing services for construction projects over the next three construction seasons. The following is a comparison of costs applied to an annual estimated quantity of tests based on unit bid prices:

Testing Engineers & Consultants, Inc. (Troy, MI)	\$271,395.00
PSI (Troy, MI)	\$272,280.00
BMJ Engineers & Surveyors, Inc. (Port Huron, MI)	\$338,742.50

It is recommended that the bid of Testing Engineers & Consultants, Inc., Troy, Michigan 48099-0249 in the estimated annual amount of Two Hundred Seventy-One Thousand Three Hundred Ninety-Five and 00/100 Dollars (\$271,395.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

**RESOLUTIONS**

**\*R-1.** WHEREAS, costs totaling Six Thousand Eight Hundred Thirty-Five and 19/100 Dollars (\$6,835.19) have been incurred by the City of Port Huron for demolition proceedings on the following described property NORTH THREE-TENTHS OF A FOOT OF LOT 9, 10, AND SOUTH THREE FEET OF LOT 11, BLOCK 37, PLAT OF VILLAGE OF FORT GRATIOT, further described as 2722 Gratiot Avenue, property no. 74-06-362-0113-000;

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

NOW, THEREFORE, BE IT RESOLVED that the amount of Six Thousand Eight Hundred Thirty-Five and 19/100 Dollars (\$6,835.19) for demolition proceedings of the structure at 2722 Gratiot Avenue is hereby confirmed and declared a single lot special assessment.

Adopted by consent.

**\*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 \$1,464.25 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 #10-145).

Adopted by consent.

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

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

Code Case#	Addresses	Legal Descriptions
10-022	812 - 12th St.	South 42 feet Lot 7, Block 140 White Plat
10-036	1938 Roselawn Ct.	Lots 13 & 16 and southeasterly one-half vacated High Street adjacent, Electric Avenue Subdivision
10-037	2223 - 7th St.	South 33-1/3 feet Lot 18, Block 7 Jenkinson & Johnstone's Subdivision of the Thompson Farm
10-038	716 - 11th St.	Lot 13, Assessor's Replat of Block 116 of White's Plat
10-039	732 - 11th St.	Lot 15, Assessor's Replat of Block 116 of White's Plat
10-041	815 - 12th St.	North 32 feet of south 40 feet of Lot 1, and north 32 feet of south 40 feet of east 15 feet of Lot 2, Block 159 White Plat
10-042	230 - 13th St./ 1235 Young St.	South 75 feet Lot 8, Block 2 Charles A. Ward's Subdivision of a part of the northwest fractional quarter of Section 10
10-043	1616 - 17th St.	Lots 10 and 11, Block 1 Miller's Griswold Street Plat
10-045	1423 Lapeer Ave.	Lot 6, Assessor's Lapeer Avenue Plat
10-046	803 Pine St.	South 90 feet of east 28 feet Lot 12, and undivided one-third of north 10 feet of south 100 feet of east 61.24 feet Lot 12, Block 108 White Plat
10-047	920 St. Clair St.	South 44 feet Lots 3 and 4, Block 9 Subdivision of the Fort Gratiot Military Reservation including north half portion of vacated alley adjacent
10-048	1028 Union St.	Lot 10, Block 122 White Plat
10-049	926 - 11 <sup>th</sup> St.	South 39 feet Lots 13 and 14, Block 118 White Plat

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

WHEREAS, the City Council believes it is warranted in conducting public hearings and investigations pursuant to such provisions of Chapter 10 and Chapter 40 of said Code for the purpose of ascertaining and determining for itself whether such condition or conditions exist at these properties;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron shall conduct separate public hearings on December 13, 2010, at 7:00 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, 100 McMorrin Boulevard, for each of the above-listed properties for the purposes and according to the procedures referred to above and provide for the recording of such hearings.

BE IT FURTHER RESOLVED that the City Clerk shall notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's record, at least ten (10) days in advance of the date herein set for such hearing and investigation and the notice shall state that the interested parties will be given the opportunity to state their case for or against bringing this property up to code or demolition of this property, at the time of the public hearing.

BE IT FURTHER RESOLVED that a notice shall be published in the Times Herald newspaper at least ten (10) days in advance of said hearing and the notice shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Chapter 10, §10-211, and Chapter 34, §34-3, Code of Ordinances of the City of Port Huron.

**Councilmember Fisher** moved to amend the resolution to remove Code Case #10-037 (2223 - 7<sup>th</sup> Street) from the resolution, seconded by Councilmember Ruiz.

Motion to amend adopted by the following vote:

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

No: Councilmembers Archibald and Moeller.

Absent: None.

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

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

WHEREAS, the City of Port Huron Water Filtration Plant is a regional facility which produces and distributes treated drinking water for the residents of the City and four adjacent townships; and

WHEREAS, the Michigan Department of Environmental Quality (MDEQ), Water Bureau, regulates the production and distribution of drinking water in the State of Michigan; and

WHEREAS, the MDEQ requires that the City of Port Huron obtain an operating permit as a community public water supplier and has assessed a fee to the permit holder based on population served;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the payment of \$7,938.51 to the Michigan Department of Environmental Quality for the community public water supply annual fee.

Motion adopted unanimously.

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

WHEREAS, pursuant to the provisions of Part 43 of Act 451, Public Acts of Michigan, 1994, as amended ("Act 451"), when the State of Michigan Department of Natural Resources and Environment (formerly the Michigan Department of Environmental Quality) ("MDNRE") has ordered, or has issued a permit for, the installation, construction, alteration, improvement or operation of a sewage system, solid waste facility or waterworks system in a municipality, and the plans therefor have been prepared and approved by the state department or commission having the authority by law to grant the approval, the legislative body of the municipality may issue and sell the necessary bonds for the construction, installation, alteration, operation or improvement thereof, including the treatment works and such other facilities as may be so ordered or set forth in the permit as being necessary to provide for the effective operation of the system; and

WHEREAS, the City of Port Huron (the "City"), pursuant to National Pollutant Discharge Elimination System Permit #MI0023833, dated September 30, 2004, as amended on July 16, 2007, as now in force or hereafter amended or extended (the "Permit"), is required to make certain modifications to its sanitary sewer system and storm water system, which improvements are necessary in order for the City to meet its statutory and regulatory obligations under relevant federal and state law; and

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

WHEREAS, the Project qualifies in whole or in part for the State of Michigan Clean Water Revolving Fund ("SRF") financing program being administered by the MDNRE and the Michigan Finance Authority ("MFA" 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 MDNRE as required by Act 451; and

WHEREAS, in pursuance of the authority granted by Act 451, this City Council desires to authorize the issuance and sale of the necessary bonds to pay all or part of the cost of the current phases of the Project; and

WHEREAS, the City previously has issued its General Obligation Limited Tax Bonds, in several series, pursuant to the provisions of Act 451, in order to pay the costs of prior phases of the Project; and

WHEREAS, it is the determination of the City Council that at this time one or more additional series of General Obligation Limited Tax Bonds (as defined more fully herein, the "Bonds") in the aggregate principal amount of not to exceed Eleven Million Five Hundred Thousand Dollars (\$11,500,000) (the "Bond Authorization") should be authorized to be issued to pay for current phases of the Project.

NOW, THEREFORE, BE IT RESOLVED THAT:

Section 1. SRF Bonds Authorized. Bonds of the City designated **GENERAL OBLIGATION LIMITED TAX BONDS (STATE REVOLVING FUND), SERIES 2011** (the "Series 2011 SRF Bonds") are authorized to be issued in one or more series in the aggregate principal sum which, when added together with the principal amount of all other Bonds authorized by and issued under this Resolution, shall not exceed the Bond Authorization, as finally determined by an order or orders of the MDNRE, for the purpose of paying part of the cost of the current phases of the Project, including the costs incidental to the issuance, sale and delivery of the Series 2011 SRF Bonds. Each series of Series 2011 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 2011 SRF Bonds, payable serially in principal installments as finally determined by order of the MDNRE at the time of sale of the Series 2011 SRF Bonds and approved by the MFA and the Director of Finance. Final determination of the principal amount of a series of Series 2011 SRF Bonds and the payment dates and amounts of principal installments of a series of Series 2011 SRF Bonds shall be evidenced by execution of a Purchase Contract (the "Purchase Contract") between the City and the MFA providing for sale of the Series 2011 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 2011 SRF Bonds and to make appropriate changes to the series designation hereinbefore set forth.

The Series 2011 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 2011 SRF Bond contained in this Resolution or as may be approved by the Authorized Officers at the time of sale of the Series 2011 SRF Bonds or by the MFA at the time of prepayment.

The Series 2011 SRF Bonds shall bear interest at the rate determined by the MFA and set forth in the Purchase Contract, but in any event not to exceed three percent (3%) per annum, and the Authorized Officers shall deliver the Series 2011 SRF Bonds in accordance with the delivery instructions of the MFA.

Each Series 2011 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 2011 SRF Bonds shall not be convertible or exchangeable into more than one fully-registered bond. Principal of and interest on the Series 2011 SRF Bonds shall be payable as provided in the Series 2011 SRF Bond form in this Resolution as the same may be amended to conform to MFA 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 2011 SRF Bond, the MFA shall deliver the respective Series 2011 SRF Bond to the City for cancellation.

Section 2. Public Sale Bonds Authorized. Bonds of the City designated **GENERAL OBLIGATION LIMITED TAX BONDS, SERIES 2011** (the "Series 2011 Public Sale Bonds"), are authorized to be issued in one or more series in the aggregate principal sum which, when added together with the principal amount of all other Bonds authorized by and issued under this Resolution, shall not exceed the Bond Authorization, 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 2011 Public Sale Bonds.

The Series 2011 Public Sale Bonds shall be sold by competitive or negotiated sale and shall be issued in fully-registered form of the denomination of \$5,000, or multiples thereof not exceeding for each maturity the maximum principal amount of that maturity, numbered consecutively in order of registration, and shall be dated as of the date of delivery, or such other date as may be determined by an Authorized Officer, and shall mature on 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 2011 Public Sale Bonds shall bear interest at a rate or rates to be determined on public sale thereof, but in any event not exceeding eight percent (8%) 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 2011 Public Sale Bonds, and to make appropriate changes to the series designation hereinbefore set forth.

The Series 2011 Public Sale Bonds may be issued as serial bonds or term bonds or both and shall be subject to redemption prior to maturity at the times, in the amounts and at the prices as approved by order of an Authorized Officer at the time of sale and in the manner and with notice as set forth in Section 9 hereof, subject to revision as determined by an Authorized Officer, provided that the redemption premium may not exceed three percent (3%).

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

The Series 2011 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 2011 Public Sale Bonds are issued in book-entry only form, DTC will act as securities depository for the Series 2011 Public Sale Bonds, and purchasers will not receive certificates representing their interest in Series 2011 Public Sale Bonds purchased. If the Series 2011 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

2011 Public Sale Bonds shall be issued in book-entry only form, to make such changes in the form of the Series 2011 Public Sale Bonds and the notice of sale as shall be necessary or convenient to enable the Series 2011 Public Sale Bonds to be issued in book-entry only form, and to execute such documents as may be required to enable the Series 2011 Public Sale Bonds to be so issued.

**Section 3. MFA Bonds Authorized.** Bonds of the City designated **GENERAL OBLIGATION LIMITED TAX BONDS, SERIES 2011** (the "Series 2011 MFA Bonds"), are authorized to be issued in one or more series in the aggregate principal sum which, when added together with the principal amount of all other Bonds authorized by and issued under this Resolution, shall not exceed the Bond Authorization, 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 2011 MFA Bonds. Each series of Series 2011 MFA 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 2011 MFA Bonds, payable in not to exceed thirty (30) annual principal installments as finally determined in the Purchase Contract at the time of sale of the Series 2011 MFA Bonds and approved by the Authority and an Authorized Officer. Final determination of the principal amount of a series of Series 2011 MFA Bonds and the payment dates and amounts of principal installments of a series of Series 2011 MFA Bonds shall be evidenced by execution of a Purchase Contract (the "Purchase Contract") between the City and the MFA providing for sale of the Series 2011 MFA 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 2011 MFA Bonds and to make appropriate changes to the designation hereinbefore set forth.

The Series 2011 MFA 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 2011 MFA Bond contained in this Resolution or as may be approved by the Authorized Officers at the time of sale of the Series 2011 MFA Bonds or by the MFA at the time of prepayment.

The Series 2011 MFA Bonds shall bear interest at a rate to be finally determined by execution of the Purchase Contract, but in any event not to exceed eight percent (8%) per annum, and the Authorized Officers shall deliver the Series 2011 MFA Bonds in accordance with the delivery instructions of the MFA.

The Series 2011 MFA Bonds shall not be convertible or exchangeable into more than one fully-registered bond. Principal of and interest on the Series 2011 MFA Bonds shall be payable as provided in the Series 2011 MFA Bond form in this Resolution as the same may be amended to conform to MFA 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 2011 MFA Bond, the MFA shall deliver the respective Series 2011 MFA Bond to the City for cancellation.

**Section 4. Bonds; Execution.** The Series 2011 SRF Bonds, the Series 2011 Public Sale Bonds and the Series 2011 MFA 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.

**Section 5. Bonds; Transfer Agent.** The Director of Finance is hereby appointed to serve as bond registrar, paying agent and transfer agent (the "Transfer Agent") for the Series 2011 SRF Bonds and the Series 2011 MFA Bonds. In the event that any Series of Bonds is issued as Series 2011 Public Sale Bonds, the Authorized Officers are authorized to select a qualified bank or financial institution to serve as Transfer Agent for such Series 2011 Public Sale Bonds. The City reserves the right to replace the Transfer Agent for any Series 2011 Public Sale Bonds at any time upon written notice to the registered owners of record of the Series 2011 Public Sale Bonds not less than sixty (60) days prior to an interest payment date.

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

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

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

**Section 6. Debt Retirement Fund.** The Director of Finance is authorized to open a separate depository account for each Series with a bank or trust company designated by the Director of Finance, to be designated 2010 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, 2010, 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.

**Section 7. Construction Fund.** The Director of Finance is authorized to open a separate depository account for each Series with a bank or trust company designated by the Director of Finance, to be designated SERIES 2011 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.

**Section 8. SRF and MFA Bond Forms.** The Series 2011 SRF Bonds and Series 2011 MFA 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 MFA 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 201\_\_**

REGISTERED OWNER: Michigan Finance Authority  
PRINCIPAL AMOUNT: \_\_\_\_\_ Dollars (\$\_\_\_\_,000)  
DATE OF ORIGINAL ISSUE: \_\_\_\_\_, 201\_\_

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 Finance 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 [or reduced] 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, [subject to any principal forgiveness as provided in Schedule A attached hereto], 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 Mellon 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 on at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise; in the event that the Authority's Depository has not received the City's deposit by 12:00 noon on the scheduled day, the City shall immediately pay to the Authority as invoiced by the Authority an amount to recover the Authority's administrative costs and lost investment earnings attributable to that late payment; and (c) written notice of any redemption of this bond shall be given by the City and received by the Authority's Depository at least 40 days prior to the date on which such redemption is to be made.

Additional Interest

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

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

This bond is a single, fully-registered, non-convertible bond in the principal sum of \$\_\_\_\_\_, issued for the purpose of paying the cost of acquiring and constructing certain improvements to the City's sanitary sewer system and storm water system and paying costs incidental to the issuance of the bonds, in pursuance of the authority granted under Act 451, Public Acts of Michigan, 1994, as amended, and Michigan Department of Environmental Quality National Pollutant Discharge Elimination System Permit No. MI0023833, as now in force or hereafter amended or extended.

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

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

owner or the registered owner's attorney duly authorized in writing, and thereupon a new registered bond or bonds in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefore as provided in the resolution authorizing this bond and upon the payment of the charges, if any, therein prescribed.

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

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

**CITY OF PORT HURON**

County of St. Clair  
State of Michigan

By \_\_\_\_\_

Its Mayor

(SEAL)

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

DNRE Project No.

DNRE Approved Amt: \$

[Loan Amount Forgiven: (\_\_\_\_\_) \*]

[Loan Amount to be Repaid: \$\_\_\_\_\_]

**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 Natural Resources and Environment (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, (2) that less than the principal amount of assistance approved by the Order is disbursed to the City by the Authority, [or (3) that any portion of the principal amount of assistance approved by the Order and disbursed to the City is forgiven pursuant to the Order], the Authority shall prepare a new payment schedule which shall be effective upon receipt by the City.

Principal Installment	Amount of Principal
Due on _____ 1	Installment _____

Interest on the Bond shall accrue on principal disbursed by the Authority to the City [that has not been forgiven pursuant to the Order] from the date principal is disbursed, until paid, at the rate of \_\_\_\_\_% per annum, payable \_\_\_\_\_ 1, 200\_\_, and semi-annually thereafter.

[\*Not to exceed amount. Loan reductions at close out will result in a proportional decrease.]

Section 9. Public Sale Bond Form. The Series 2011 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  
201\_\_**

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
Registered Owner:		_____ 1, 201__	
Principal Amount:		Dollars	

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

This bond is one of a series of bonds of even date of original issue aggregating the principal sum of \$\_\_\_\_\_ issued for the purpose of paying the cost of acquiring and constructing certain improvements to the City's sanitary sewer system and storm water system and paying costs incidental to the issuance of the bonds, in pursuance of the authority granted under Act 451, Public Acts of Michigan, 1994, as amended, and Michigan Department of Environmental Quality National Pollutant Discharge Elimination System Permit No. MI0023833, as now in force or hereafter amended or extended.

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

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

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

Notice of redemption shall be given to the registered owner of any bond or portion thereof called for redemption by mailing of such notice not less than thirty (30) days prior to the date fixed for redemption to the registered address of the registered owner of record. A bond or portion thereof so called for redemption shall

not bear interest after the date fixed for redemption, whether presented for redemption or not, provided funds are on hand with the Transfer Agent to redeem said bond or portion thereof.

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

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

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

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

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

**CITY OF PORT HURON**

County of St. Clair  
State of Michigan

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

(SEAL)  
By \_\_\_\_\_  
Its Director of Finance  
Date of Authentication:

**CERTIFICATE OF AUTHENTICATION**

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

\_\_\_\_\_  
\_\_\_\_\_, Michigan,  
Transfer Agent  
By \_\_\_\_\_  
Authorized Representative

[insert form of assignment]

Section 10. Competitive Sale. If Series 2011 Public Sale Bonds are to be issued and sold at competitive sale, the Director of Finance shall fix a date of sale for the Series 2011 Public Sale Bonds and publish a notice of sale of the Series 2011 Public Sale Bonds in the form and manner required by applicable law and regulations.

Section 11. Build America Bonds; Tax Credit Bonds. The Authorized Officers are each hereby authorized to determine, based upon the advice of the City's Registered Municipal Advisor,

whether to sell the Bonds on a tax exempt basis or on a taxable basis as Building America Bonds or other tax credit bonds (including, if then available, as Recovery Zone Economic Development Bonds). If the Bonds are sold as Build America Bonds or tax credit bonds, the Bonds shall be designated 2010 GENERAL OBLIGATION LIMITED TAX BONDS (TAXABLE) (BUILD AMERICA BONDS – DIRECT PAY) or such other designation selected by the Authorized Officers. The Authorized Officers are each hereby authorized and directed to take all other actions necessary or advisable, and to make such other filings with any parties, including the Internal Revenue Service, to request the payment of the appropriate credits from the United States Treasury. Any credit payments received on the Build America Bonds or tax credit bonds from the United States Treasury shall be deposited into the Debt Retirement Fund.

Section 12. Negotiated Sale, Bond Purchase Agreement; Award. The Authorized Officers are each hereby authorized on behalf of the City to determine to conduct and pursue a negotiated sale of the Bonds if, in light of current market conditions and upon advice of the City's Registered Municipal Advisor, a negotiated sale would present advantages and opportunities to select and adjust terms for the Bonds, to allow more flexibility in accessing the municipal bond market, and to price and sell the Bonds at the time that is expected to best achieve the most advantageous interest rates and lowest costs to the City. In the event that a negotiated sale is pursued, then the Authorized Officers are each individually authorized to select an underwriter or purchaser for the Bonds, negotiate and execute a bond purchase agreement with the underwriter or purchaser, execute a Sale Order and take all other necessary actions required to effectuate the sale, issuance and delivery of the Bonds within the parameters authorized in this resolution, provided that the underwriter's discount shall not exceed 1.75% of the principal amount of the Bonds.

Section 13. Useful Life. The estimated period of usefulness of the Project to be financed with the proceeds of the Bonds is hereby declared to be not less than thirty (30) years and its total cost is estimated to be not less than the amount set forth in Section 1 of this Resolution.

Section 14. Tax Covenants. If Bonds are issued on a tax-exempt basis, then with respect to such Bonds, the City shall, to the extent permitted by law, take all actions within its control necessary to maintain the exclusion of the interest on the Bonds from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Code"), including, but not limited to, actions relating to any required rebate of arbitrage earnings and the expenditure and investment of Bond proceeds and moneys deemed to be Bond proceeds.

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

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

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

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

(c) As of the date hereof, the maximum principal amount of debt expected to be issued for reimbursement purposes, including reimbursement of debt issuance costs, is \$11,500,000.

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

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

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

**QTE Designation.** The Authorized Officers are each hereby individually authorized to designate any Series of the Bonds as "qualified tax exempt obligations" for purposes of deduction of interest expense by financial institutions pursuant to the Code, if and only if it is determined by any of such officers at the time of sale of the Series of Bonds that the City does not reasonably anticipate issuing tax-exempt obligations in calendar years 2010 and 2011 in an aggregate principal amount in excess of the limits established by the Code as then in effect.

**Section 15. Bond Covenant.** The Bonds are issued for the purpose of paying for improvements to the City's sanitary sewer and storm water system (the "System") and are payable in the first instance from the net revenues of the System. The System rates now in effect are estimated to be sufficient to provide for the payment of the expenses of administration and operation and such expenses for maintenance of the System as are necessary to preserve the System in good repair and working order, to provide for the payment of the principal of and interest on the Bonds as the same become due and payable, and the maintenance of any reserves therefore, and to provide for all other obligations, expenditures and funds for the System required by law. The rates shall be fixed and revised from time to time as may be necessary to produce these amounts, and it is hereby covenanted and agreed to fix and maintain rates for services furnished by the System at all times sufficient to provide for the foregoing. The provisions of this covenant constitute a contract between the City and the bondholders, and for so long as there are any outstanding Bonds of the City payable from the net revenues of the System, this covenant shall not be repealed or amended in any respect which will adversely affect the rights and interests of the holders of the Bonds, nor shall the City adopt any law, ordinance or resolution in any way adversely affecting the rights of the bondholders so long as any outstanding Bonds of the City payable from the net revenues of the System or interest thereon remains unpaid.

**Section 16. Negotiated Sale to MFA.** The City has determined to sell the Series 2011 SRF Bonds and the Series 2011 MFA Bonds to the Authority at a negotiated sale due to the significant interest savings expected to be obtained through the

sale of such Bonds to the Authority as compared to a competitive sale and, in the case of the Series 2011 SRF Bonds, the possibility of principal loan forgiveness made available by the Authority through the use of federal stimulus funds. The Authorized Officers are each hereby authorized to make application to the Authority and to the MDNRE for placement of the Series 2011 SRF Bonds and the Series 2011 MFA Bonds with the Authority. Any one of the Authorized Officers is further authorized to execute and deliver such contracts, documents and certificates as may be required by the Authority or MDNRE or as may be otherwise necessary to effect the approval, sale and delivery of the Series 2011 SRF Bonds and the Series 2011 MFA Bonds, including a Purchase Contract, a Supplemental Agreement, and Issuer's Certificate.

**Section 17. Continuing Disclosure Undertaking.** If then required in connection with the issuance and sale of the Series 2011 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, 2011, (i) certain annual financial information and operating data, including audited financial statements for the preceding fiscal year, (ii) timely notice of the occurrence of certain material events with respect to the bonds, and (iii) timely notice of a failure by the City to provide the required annual financial information on or before the date specified in (i) above to enable prospective purchasers of the Series 2011 Public Sale Bonds to meet their obligations under the Rule, and the Director of Finance is authorized and directed to execute the Undertaking.

**Section 18. Approvals; Filings.** The Authorized Officers are authorized and directed to file an application for waivers and approvals, to the extent necessary, for any Series of 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 2011 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 Registered Municipal Advisor, the acquisition of such insurance would be of economic benefit to the City; to obtain ratings on the Bonds; and to take all other actions necessary or advisable, and to make such other filings for waivers or other approvals with the Department or with other parties, to enable the sale and delivery of the Bonds as contemplated herein.

**Section 19. Bond Details.** The Director of Finance is hereby authorized to adjust the final bond details set forth herein to the extent necessary or convenient to complete the 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 ("Act 34"), including but not limited to, determinations regarding interest rates, prices, discounts, maturities, principal amounts, denominations, dates of issuance, interest payment dates, redemption rights, the place of delivery and payment, designation of Series, and other matters, provided that the principal amount of Bonds issued shall not exceed the principal amount authorized in this Resolution, the interest rate per annum on the Bonds shall not exceed eight percent (8%), and the Bonds shall mature in not more than thirty (30) principal installments.

**Section 20. Issuance of Bonds Under Act 34.** To the extent that any part of the Project, or any capital improvements to the System which are not part of the Project, may not be financed under Act 451, all such parts of the Project or System

Improvements may be financed by issuing the Bonds as provided in this Resolution under the authority of Act 34, and all of the authority granted pursuant to this Resolution under Act 451 shall be granted, ratified and confirmed under Act 34. All proceedings taken under color of Act 451 in respect of the issuance and delivery of the Bonds shall be deemed to have been taken in accordance with, and to satisfy the requirements of, Act 34, it being the desire of this City Council to authorize the issuance of the Bonds to the fullest extent possible under either Act 451 or Act 34.

Section 21. Repealer. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution be and the same hereby are rescinded to the extent of such conflict.

Adopted unanimously.

**R-6. Councilmember Miller** moved the adoption of the following resolution, seconded by Councilmember Archibald:

WHEREAS, Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), authorizes the City of Port Huron, County of St. Clair, State of Michigan (the "City") to refund all or any part of its outstanding securities; and

WHEREAS, the City previously has issued its General Obligation Limited Tax Bonds, Series 2002, dated June 1, 2002, in the original principal amount of \$10,000,000 of which \$7,350,000 presently remains outstanding (the "Prior Bonds"); and

WHEREAS, in order to achieve savings on the City's debt service payments for the outstanding Prior Bonds, the City determines that it is in the best interest of the City to refund all or a portion of the Prior Bonds; and

WHEREAS, to finance the cost of refunding all or any portion of the Prior Bonds, the City deems it necessary to borrow the principal sum of not to exceed Seven Million Seven Hundred Thousand Dollars (\$7,700,000) and issue its refunding bonds therefore (the "Bonds").

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Authorization of Refunding Bonds: Bond Terms. Bonds of the City designated *2010 Sewer Refunding Bonds (Limited Tax General Obligation)* (the "Bonds") are authorized to be issued in the aggregate principal sum of not to exceed Seven Million Seven Hundred Thousand Dollars (\$7,700,000) for the purpose of paying the costs of refunding the Prior Bonds, including the costs incidental to the issuance, sale and delivery of the Bonds. The issue shall consist of bonds 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. The Bonds will be dated as of the date of delivery (or such other date as determined at the time of sale thereof, but in any event within 45 days from the date of sale of the Bonds), be payable on October 1 (or such other date as determined at the time of sale thereof) in the years and in the annual amounts determined at the time of sale and be subject to redemption in the manner and at the times and prices to be determined at the time of sale.

The Bonds shall bear interest at a rate or rates to be determined at the time of sale thereof, payable on April 1, 2011 (or such other date as determined at the time of sale thereof), and semiannually thereafter, by check or draft mailed by the Transfer Agent (as hereinafter defined) 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.

2. Execution of Bonds: Book-Entry-Only Form. The Bonds of this issue shall be executed in the name of the City with the facsimile signatures of the Mayor and Director of Finance and shall have the seal of the City, or a facsimile thereof, printed or impressed on the Bonds. The principal of the Bonds shall be payable at the corporate trust office of a banking institution or trust company qualified and selected by the Director of Finance to act as the bond registrar/paying agent for the Bonds (the "Transfer Agent"). No Bond shall be valid until authenticated by an authorized officer or representative of the Transfer Agent.

The Bonds may be issued in book-entry-only form through the Depository Trust Company in New York, New York ("DTC") and any officer of the City is authorized to execute such custodial or other agreement with DTC as may be necessary to accomplish the issuance of the Bonds in book-entry-only form and to make such changes in the Bond form within the parameters of this resolution as may be required to accomplish the foregoing.

3. Transfer of Bonds. The Transfer Agent shall keep the books of registration for this issue on behalf of the City. Any Bond 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.

4. Debt Retirement Fund. The Director of Finance is hereby authorized to open a separate depository account with a bank or trust company designated 2010 REFUNDING BOND 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, if any, shall be deposited into the Debt Retirement Fund as collected. Commencing with the year 2011, there shall be levied upon the tax rolls of the City for the purpose of the Debt Retirement Fund each year, in the manner required by the provisions of Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), an amount sufficient so that the estimated collection therefrom, together with other available moneys, including specifically revenues from the City's sanitary sewer and storm water system, will be sufficient to promptly pay, when due, the principal of and interest on the Bonds becoming due prior to the next annual tax levy; provided, however, that if at the time of making any such annual tax levy there shall be surplus moneys on hand in the Debt Retirement Fund for the payment of principal of and interest on the Bonds, then credit therefore may be taken against such annual levy for the Debt Retirement Fund. Such tax levy shall be subject to applicable statutory, charter and constitutional tax rate limitations.

5. Use of Proceeds. The proceeds of the Bonds shall be used to pay the costs of issuance of the Bonds and to secure payment of the Prior Bonds as provided in this paragraph. 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. 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 2010 REFUNDING BOND Issuance Fund (the "Issuance Fund"). Moneys in the Issuance Fund shall be used

solely to pay expenses of issuance of the Bonds. Any amounts remaining in the 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 any moneys transferred by the City at the time of sale of the Bonds from the debt retirement funds for the Prior Bonds, if any, and any other available funds of the City, shall be held as cash or invested 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 Fund") and used to pay principal, interest and redemption premiums on the Prior Bonds. The Escrow Fund shall be held by a banking institution or trust company selected by the Director of Finance, to serve as escrow agent (the "Escrow Agent") pursuant to an escrow agreement (the "Escrow Agreement") which shall irrevocably direct the Escrow Agent to take all necessary steps to call for redemption any Prior Bonds specified by the City upon sale of the Bonds, including publication and mailing of redemption notices, on any call date, as specified by the City. The investments held in the Escrow Fund shall be such that the principal and interest payments received thereon will be sufficient, without reinvestment, to pay the principal, interest and redemption premiums on the Prior Bonds as they become due pursuant to maturity or the call for redemption required by this paragraph. Following establishment of the Escrow Fund, any amounts remaining in the debt retirement funds for the Prior Bonds shall be transferred to the Debt Retirement Fund for the Bonds.

6. The Bonds shall be in substantially the following form:

**R-  
UNITED STATES OF AMERICA  
STATE OF MICHIGAN  
COUNTY OF ST. CLAIR  
CITY OF PORT HURON**

**2010 SEWER REFUNDING BOND  
(LIMITED TAX GENERAL OBLIGATION)**

Date of  
Interest Rate      Maturity Date      Original Issue      CUSIP  
Registered Owner: \_\_\_\_\_, 20\_\_\_\_ 1, 2010  
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, unless redeemed prior to maturity, on the Maturity Date specified above with interest thereon (computed on the basis of a 360-day year consisting of twelve 30-day months) until paid from the Date of Original Issue specified above or such later date to which interest has been paid, at the Interest Rate per annum specified above, first payable on April 1, 2011, and semiannually thereafter. Principal of this bond is payable at the corporate trust office of \_\_\_\_\_, 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 any 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 aggregating the principal sum of \$\_\_\_\_, issued for the purpose of defraying the costs of refunding the City's General Obligation Limited Tax Bonds, Series 2002, dated June 1, 2002.

[Insert Redemption and Term Bond Provisions]

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.

This bond is payable out of the City's Debt Retirement Fund for this issue and the moneys deposited by the City therein, and in order to make such payment, the City is required each year, if necessary, to levy taxes on all taxable property within the boundaries of the City for such payment, subject to applicable statutory, charter and constitutional tax rate limitations.

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

CITY OF PORT HURON  
County of St. Clair  
State of Michigan  
By: \_\_\_\_\_  
Its: Mayor

(SEAL)  
By: \_\_\_\_\_  
Its: Director of Finance

(Form of Transfer Agent's Certificate of Authentication)

**CERTIFICATE OF AUTHENTICATION**

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

\_\_\_\_\_  
Transfer Agent  
By: \_\_\_\_\_  
Authorized: \_\_\_\_\_

DATE OF REGISTRATION:

[Insert form of assignment]

7. Tax Covenant. The City shall, to the extent permitted by law, take all actions within its control necessary to maintain the exemption of the interest on the Bonds from general federal income taxation (as opposed to any alternative minimum or other indirect taxation) under the Internal Revenue Code of 1986, as

amended (the "Code"), including, but not limited to, actions relating to any required rebate of arbitrage earnings and the expenditure and investment of Bond proceeds and moneys deemed to be Bond proceeds.

8. Covenant to Bondholders. The Prior Bonds, the Bonds, and all general obligation bonds of the City issued for the purpose of paying for improvements to the City's sanitary sewer and storm water system (the "System") are payable in the first instance from the net revenues of the System. The System rates now in effect are estimated to be sufficient to provide for the payment of the expenses of administration and operation and such expenses for maintenance of the System as are necessary to preserve the System in good repair and working order, to provide for the payment of the principal of and interest on the Prior Bonds, the Bonds and all other bonds payable from the net revenues of the System as the same become due and payable, and the maintenance of any reserves therefor, and to provide for all other obligations, expenditures and funds for the System required by law. The rates shall be fixed and revised from time to time as may be necessary to produce these amounts, and it is hereby covenanted and agreed to fix and maintain rates for services furnished by the System at all times sufficient to provide for the foregoing.

The provisions of this covenant constitute a contract between the City and the bondholders, and for so long as there are any outstanding bonds of the City payable from the net revenues of the System, including the Bonds, this covenant shall not be repealed or amended in any respect which will adversely affect the rights and interests of the holders of the bonds, nor shall the City adopt any law, ordinance or resolution in any way adversely affecting the rights of the bondholders so long as any outstanding bonds of the City payable from the net revenues of the System or interest thereon remains unpaid.

9. Continuing Disclosure Undertaking. The City agrees to enter into an undertaking for the benefit of the holders and beneficial owners of the Bonds pursuant to Rule 15c2-12 of the U.S. Securities and Exchange Commission and the Director of Finance is hereby authorized to execute such undertaking prior to delivery of the Bonds.

10. Negotiated Sale. The City Council has considered the option of selling the Bonds through a competitive sale and a negotiated sale and, pursuant to the requirements of Act 34, based on the recommendation of the City's Registered Municipal Advisor (defined below), determines that a negotiated sale of the Bonds will result in the most efficient and expeditious means of selling the Bonds and will result in the lowest interest cost to the City.

11. Adjustment of Bond Details; Underwriter. Each of the City Manager and the Director of Finance are authorized to execute and deliver a sale order and execute a bond purchase agreement approving the final terms of the Bonds, adjust the final bond details set forth herein to the extent necessary or convenient to complete the transaction authorized herein, and in pursuance of the foregoing is authorized to exercise the authority and make the determinations authorized pursuant to Section 315(1)(d) of Act 34, 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, the portion or portions of the Prior Bonds to be refunded, and other matters, within the parameters established by this resolution, pursuant to a bond purchase agreement with Robert W. Baird & Co. (the "Underwriter") selected by the Director of Finance upon the advice of the City's Registered Municipal Advisor, *provided* that a net present value savings of debt service shall exist upon the sale of the Bonds.

12. Authorization of Other Actions. The Director of Finance is hereby authorized and directed to cause the preparation and circulation of a preliminary and final official statement with respect to the Bonds; to procure a policy of municipal bond insurance with respect to the Bonds or cause the qualification of the Bonds therefor if, upon the advice of the Registered Municipal Advisor to the City, the acquisition of such insurance would be of economic benefit to the City; and to obtain ratings on the Bonds. The City Manager, the Director of Finance, the Mayor and any other officer or agent of the City is hereby authorized and directed to take all other actions necessary or advisable, and make such other filings with the Michigan Department of Treasury or with other parties, to enable the issuance, sale and delivery of the Bonds as contemplated herein.

13. Registered Municipal Advisor. The City hereby confirms Bendzinski & Co., Municipal Finance Advisors, as Registered Municipal Advisor to the City with respect to the Bonds.

14. Bond Counsel. Miller, Canfield, Paddock and Stone, P.L.C. is hereby approved as bond counsel to the City for the Bonds, notwithstanding periodic representation in unrelated matters of parties or potential parties to the transaction contemplated by this resolution, including the Underwriter.

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

Motion adopted unanimously.

## ORDINANCES

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

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

Motion adopted unanimously.

## MOTIONS & MISCELLANEOUS BUSINESS

**1. Mayor Repp** extended Happy Thanksgiving wishes and mentioned that City offices will be closed in observance of Thanksgiving on November 25 and 26 and that Thursday's trash pickup will be delayed until Friday.

On motion (8:15 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC  
City Clerk

**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, December 13, 2010, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.**

The meeting was called to order by Mayor Repp.

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

Absent: Councilmember Moeller.

The minutes of the regular meeting of November 22, 2010, were approved.

**Councilmember Fisher** moved to add Resolution #9 to the agenda, seconded by Councilmember Miller. Motion adopted.

### PRESENTATIONS

1. Hilary Bridge updated City Council on the Quality of Life Commission (see City Clerk File #10-146 for a copy of the Commission's survey).

### PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments on Code Case #10-022, 812 – 12<sup>th</sup> Street, to determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211, and Chapter 34, Section 34-3, of the Port Huron City Code.

Ken Harris commented in support of demolition of all of these homes.

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

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

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as: *South 42 feet Lot 7, Block 140, White Plat*; also known as *812 - 12th Street*, has been brought to the attention of the City Council by the Building Official as *Code Case 10-022* claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #10-147); and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property of violations of the Port Huron Code of Ordinances and requesting abatement of these conditions and, to date, there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted November 22, 2010, with respect to said property, it is the judgment of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, §10-211 and Chapter 34, §34-3 of the Port Huron Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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

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

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

Motion adopted by the following vote:

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

No: None.

Absent: Councilmember Moeller.

2. **The Mayor** announced that this was the time to hear comments on Code Case #10-036, 1938 Roselawn Court, to determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211, and Chapter 34, Section 34-3, of the Port Huron City Code.

Salvadore Chirco, owner of the property, commented that he wished to make the necessary repairs to the home.

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

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

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as: *Lots 13 and 16 and south easterly one-half vacated High Street adjacent, Electric Avenue Subdivision*; also known as *1938 Roselawn Court*, has been brought to the attention of the City Council by the Building Official as *Code Case 10-036* claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #10-148); and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property of violations of the Port Huron Code of Ordinances and requesting abatement of these conditions and, to date, there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted November 22, 2010, with respect to said property, it is the judgment of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, §10-211 and Chapter 34, §34-3 of the Port Huron Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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

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

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

Motion adopted by the following vote:

- Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski and Ruiz.
- No: Councilmember Miller.
- Absent: Councilmember Moeller.

**3. The Mayor** announced that this was the time to hear comments on Code Case #10-038, 716 – 11<sup>th</sup> Street, to determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211, and Chapter 34, Section 34-3, of the Port Huron City Code.

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

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

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as: *Lot 13 Assessor's Replat of Block 116 of White's Plat*; also known as *716 - 11th Street*, has been brought to the attention of the City Council by the Building Official as *Code Case 10-038* claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #10-149); and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property of violations of the Port Huron Code of Ordinances and requesting abatement of these conditions and, to date, there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted November 22, 2010, with respect to said property, it is the judgment of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, §10-211 and Chapter 34, §34-3 of the Port Huron Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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

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

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

Motion adopted by the following vote:

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

**4. The Mayor** announced that this was the time to hear comments on Code Case #10-039, 732 – 11<sup>th</sup> Street, to determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211, and Chapter 34, Section 34-3, of the Port Huron City Code.

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

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

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as: *Lot 15, Assessor's Replat of Block 116 of White's Plat*; also known as *732 - 11th Street*, has been brought to the attention of the City Council by the Building Official as *Code Case 10-039* claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #10-150); and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property of violations of the Port Huron Code of Ordinances and requesting abatement of these conditions and, to date, there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted November 22, 2010, with respect to said property, it is the judgment of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, §10-211 and Chapter 34, §34-3 of the Port Huron Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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

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

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

Motion adopted by the following vote:

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

**5. The Mayor** announced that this was the time to hear comments on Code Case #10-041, 815 – 12<sup>th</sup> Street, to determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211, and Chapter 34, Section 34-3, of the Port Huron City Code.

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

George Cerny commented that he is the previous owner and is not living in the home, but requested an extension of time to be able to remove his possessions that are still inside.

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

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as: *North 32 feet of south 40 feet of Lot 1 and north 32 feet of south 40 feet of east 15 feet of Lot 2 Block 159 White Plat*; also known as *815 - 12th Street*, has been brought to the attention of the City Council by the Building Official as *Code Case 10-041* claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #10-151); and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property of violations of the Port Huron Code of Ordinances and requesting abatement of these conditions and, to date, there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted November 22, 2010, with respect to said property, it is the judgment of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, §10-211 and Chapter 34, §34-3 of the Port Huron Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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

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

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

Motion adopted by the following vote:

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

**6. The Mayor** announced that this was the time to hear comments on Code Case #10-042, 230 - 13<sup>th</sup> Street/1235 Young Street, to determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211, and Chapter 34, Section 34-3, of the Port Huron City Code.

Kim Harmer, Planning Director, gave a brief history and overview of the property conditions and mentioned that the owner is appealing the Building Official's decision of the code violations and that the Construction Board of Appeals will be hearing the appeal on December 15, 2010.

Margaret Enright commented in support of the demolition of this home.

Kathleen McCready commented in support of the demolition of this home.

**NOTE:** Council consideration has been delayed until after the Construction Board of Appeals has had an opportunity to hear an appeal by the property owner of the Building Official's decision of the code violations for this property.

7. **The Mayor** announced that this was the time to hear comments on Code Case #10-045, 1423 Lapeer Avenue, to determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211, and Chapter 34, Section 34-3, of the Port Huron City Code.

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

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

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as: *Lot 6 Assessor's Lapeer Avenue Plat*; also known as *1423 Lapeer Avenue*, has been brought to the attention of the City Council by the Building Official as *Code Case 10-045* claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #10-152); and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property of violations of the Port Huron Code of Ordinances and requesting abatement of these conditions and, to date, there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted November 22, 2010, with respect to said property, it is the judgment of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, §10-211 and Chapter 34, §34-3 of the Port Huron Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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

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

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

Motion adopted by the following vote:

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

8. **The Mayor** announced that this was the time to hear comments on Code Case #10-046, 803 Pine Street, to determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211, and Chapter 34, Section 34-3, of the Port Huron City Code.

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

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

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as: *South 90 feet of east 28 feet Lot 12 and undivided one-third of north 10 feet of south 100 feet of east 61.24 feet Lot 12 Block 108 White Plat*; also known as *803 Pine Street*, has been brought to the attention of the City Council by the Building Official as *Code Case 10-046* claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #10-153); and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property of violations of the Port Huron Code of Ordinances and requesting abatement of these conditions and, to date, there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted November 22, 2010, with respect to said property, it is the judgment of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, §10-211 and Chapter 34, §34-3 of the Port Huron Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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

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

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

Motion adopted by the following vote:

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

**9. The Mayor** announced that this was the time to hear comments on Code Case #10-047, 920 St. Clair Street, to determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211, and Chapter 34, Section 34-3, of the Port Huron City Code.

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

Chris Hayward commented in support of the demolition and mentioned that he would be interested in buying the property.

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

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as: *South 44 feet Lots 3 and 4 Block 9 Subdivision of the Fort Gratiot Military Reservation including north half-portion of vacated alley adjacent*; also known as *920 St. Clair Street*, has been brought to the attention of the City Council by the Building Official as *Code Case 10-047* claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #10-154); and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property of violations of the Port Huron Code of Ordinances and requesting abatement of these conditions and, to date, there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted November 22, 2010, with respect to said property, it is the judgment of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, §10-211 and Chapter 34, §34-3 of the Port Huron Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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

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

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

Motion adopted by the following vote:

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

No: None.

Absent: Councilmember Moeller.

**10. The Mayor** announced that this was the time to hear comments on Code Case #10-048, 1028 Union Street, to determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211, and Chapter 34, Section 34-3, of the Port Huron City Code.

Kim Harmer, Planning Director, gave a brief history and overview of the property conditions and mentioned that the owner is appealing the Building Official's decision of the code violations and that the Construction Board of Appeals will be hearing the appeal on December 15, 2010.

**NOTE:** Council consideration has been delayed until after the Construction Board of Appeals has had an opportunity to hear an appeal by the property owner of the Building Official's decision of the code violations for this property.

**11. The Mayor** announced that this was the time to hear comments on Code Case #10-049, 926 – 11<sup>th</sup> Street, to determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211, and Chapter 34, Section 34-3, of the Port Huron City Code.

Kim Harmer, Planning Director, gave a brief history and overview of the property conditions and mentioned that the owner is appealing the Building Official's decision of the code violations and that the Construction Board of Appeals will be hearing the appeal on December 15, 2010.

**NOTE:** Council consideration has been delayed until after the Construction Board of Appeals has had an opportunity to hear an appeal by the property owner of the Building Official's decision of the code violations for this property.

#### PUBLIC AUDIENCES

- Margaret Enright commented in opposition to the purchase of the YMCA property and that no more extensions should be given to the purchasers of the Water Street Marina property.
- Ken Harris commented about the McMorran Authority one-year delay before members can be reappointed and that the YMCA building demolition will be expensive.
- Chris Hayward commented in support of the purchase of the YMCA property.

#### CONSENT AGENDA

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

Motion adopted by the following vote:

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

No: None.

Absent: Councilmember Moeller.

### 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 reappoint Jane O’Sullivan to the Port Huron Housing Commission for a five-year term to expire December 13, 2015.

Received and filed by consent.

**CM-2. Councilmember Miller** moved to receive and file the annual financial report, seconded by Councilmember Archibald:

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, 2010, is transmitted herewith (City Clerk File #155).

Motion adopted by the following vote:

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

**CM-3. Councilmember Miller** moved to receive and file the quarterly financial report, seconded by Councilmember Archibald:

In accordance with Section 55 of the City Charter, there is submitted herewith a Quarterly Financial Report of the City of Port Huron for the three month period ending September 30, 2010. (See City Clerk File # 10-156).

Motion adopted by the following vote:

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

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

On December 3, 2010, the City of Port Huron received two (2) bids for the rebuilding of a trailer sub frame on a sludge tanker used by the Wastewater Treatment Plant:

Marysville Truck Equipment Inc. (Marysville, MI)	\$22,550.00
Truck & Trailer Specialists (Dutton, MI)	\$31,480.00

It is recommended that the bid of Marysville Truck Equipment Inc., P. O. Box 298, Marysville, Michigan, 48040, in the amount of Twenty-Two Thousand Five Hundred Fifty and 00/100 Dollars (\$22,550.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

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

### RESOLUTIONS

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

BE IT RESOLVED that the Finance Director is hereby authorized to pay the attached payments. (See City Clerk File #10-01)

Motion adopted by the following vote:

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

**\*R-2. WHEREAS**, it is anticipated that there will be no need to hold the second meeting in the month of December;

NOW, THEREFORE, BE IT RESOLVED that the City Council:

1. Suspends its rules and procedures for the regular meeting of December 27, 2010; and
2. Instructs the City Manager to not prepare an agenda for this regular meeting; and
3. Instructs the City Clerk to place on the bulletin board in the main lobby of the Municipal Office Center a public notice that the regular meeting of December 27, 2010 will not be held.

Adopted by consent.

**\*R-3. WHEREAS**, a report has been submitted for costs incurred by the City of Port Huron for removal of noxious weeds or unlawful growths or blighting factors; and

WHEREAS, the costs for removing noxious weeds or unlawful growths or blighting factors shall be assessed to the property owners pursuant to Chapter 22, Sections 22-83 and 22-108, City of Port Huron Code of Ordinances; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot assessments in the total amount of \$4,741.33 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 #10-157).

Adopted by consent.

**\*R-4.** 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 and two alternates. 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 James Yu to serve as an alternate member to the Zoning Board of Appeals with terms to expire July 1, 2013.

Adopted by consent.

**\*R-5.** WHEREAS, on September 27, 2010, City Council adopted Ordinance #1316 amending various sections of Chapter 10, Building and Building Regulations, Article V, Rental Certification, of the Port Huron Code of Ordinances, and providing new Section 10-178, One Year Rental Certification Moratorium; and

WHEREAS, Section 10-178(d) creates a "*Rental Certification Appeal Panel*" to be comprised of three members appointed by the City Council;

NOW, THEREFORE, BE IT RESOLVED that the Council hereby appoint City Manager Bruce Brown, Quality of Life Commission Chairman Hillary Bridge, and Planning/Community Development Director Kimberly Harmer, to the Rental Certification Appeal Panel.

Adopted by consent.

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

WHEREAS, it is stated in the amended Articles of Incorporation of the McMorran Civic Center Authority Article V, Section 1, that "the authority shall be directed and governed by a board of seven commissioners known as the Commission, each to be elected by the City Council of the City of Port Huron, no member of which may be a member of the authority commission;" and

WHEREAS, the appointments of Patti Samar (Member At-Large), Don Stoner (Human Resources Representative) and Kirk Kramer (Financial Representative) will expire on December 31, 2010; and

NOW, THEREFORE, BE IT RESOLVED that Patti Samar, Don Stoner and Kirk Kramer are hereby reappointed to the McMorran Civic Center Authority for three-year terms to expire December 31, 2013.

Motion adopted by the following vote:

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

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

WHEREAS, a contract has been prepared (#10-5779) between the City of Port Huron and the Michigan Department of Transportation (MDOT) for the joint resealing and pavement marking work along 10<sup>th</sup> Street from Military Street to Lapeer Avenue; and all necessary related work; and

WHEREAS, the total estimated eligible cost of \$133,700.00 is to be shared as follows:

Federal Aid	\$109,400.00
City	<u>\$ 24,300.00</u>
	\$133,700.00

WHEREAS, the conditions of the contract are satisfactory to the City;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the contract with the Michigan Department of Transportation for the joint resealing and pavement marking work along 10<sup>th</sup> Street from Military Street to Lapeer Avenue; and all necessary related work; and authorizes the appropriate City officials to execute said contract. (See City Clerk File #10-158)

Motion adopted by the following vote:

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

**R-8. Councilmember Fisher** moved the adoption of the following resolution, seconded by Councilmember Miller:

WHEREAS, on May 10, 2010, the City Council approved an Option for Purchase of Real Estate for the former YMCA property; and

WHEREAS, the City has performed the appropriate due diligence and concluded that the option should be exercised;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves exercising the Option for Two Hundred Thousand and 00/100 Dollars (\$200,000.00).

Motion adopted by the following vote:

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

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

WHEREAS, the Sperry's Building OPRA District was established by the Port Huron City Council on September 27, 2010, for the property located at 301 Huron Avenue (former Sperry's Department Store Building), as permitted under Public Act 146 of 2000; and

WHEREAS, at the same meeting, Landmark Development LLC's application for an Obsolete Property Rehabilitation Act exemption certificate was adopted that approved an exemption for a period of six (6) years beginning December 31, 2010, and ending December 30, 2016; and

WHEREAS, the Michigan State Tax Commission has requested that the City Council clarify that approval of the application was for a six (6) year time period only and that the option to extend the exemption for up to an additional six (6) years was not authorized; and

NOW, THEREFORE, BE IT RESOLVED that the Landmark Development LLC's application for an Obsolete Property Rehabilitation Act exemption for the property located at 301 Huron Avenue, Port Huron, Michigan, which is located within the Sperry's Building OPRA District, approved at the September 27, 2010, meeting was for a six (6) year time period, beginning December 31, 2010, and ending December 31, 2016, without consideration for an extension beyond six (6) years.

Motion adopted by the following vote:

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

## ORDINANCES

**O-1.** An ordinance introduced November 22, 2010 entitled and reading as follows was given its third and final reading and enacted:

### ORDINANCE NO. 1318

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

## THE CITY OF PORT HURON ORDAINS:

**Section 1. Title and Purpose.** This Ordinance shall be known and cited as the "Series 2011 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 "MFA" shall mean the Michigan Finance Authority.

(c) "Authorized Officer" means any of the City Manager, Deputy City Manager, Director of Finance and City Clerk of the City.

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

(e) "MDNRE" means the Michigan Department of Natural Resources and Environment, successor to the Michigan Department of Natural Resources and Environment.

(f) "Outstanding Bonds" means the City's outstanding Water Supply System Revenue Bonds (Junior Lien), previously issued by the City in several Series pursuant to the Master Ordinance.

(g) "Project" shall have the meaning set forth in the Master Ordinance, and in addition shall mean any additional capital improvements, extensions and enlargements to the System which may be financed under any current notice of intent authorization.

(h) "Series 2011 DWRF Bonds" means the Water Supply System Revenue Bonds (Junior Lien), Series 2011 (Limited Tax General Obligation), issued pursuant to Section 6 of this Ordinance.

(i) "Series 2011 MFA Bonds" means the Water Supply System Revenue Bonds (Junior Lien), Series 2011 (Limited Tax General Obligation), issued pursuant to Section 8 of this Ordinance.

(j) "Series 2011 Public Sale Bonds" means the Water Supply System Revenue Bonds, Series 2011, issued pursuant to Section 7 of this Ordinance.

(k) "Series 2011 Bonds" means, collectively, the Series 2011 Public Sale Bonds, the Series 2011 DWRF Bonds and the Series 2011 MFA Bonds.

### Section 3. Necessity; Approval of Plans and Specifications.

It is hereby determined to be a necessary public purpose of the City to acquire and construct the Project in accordance with the plans and specifications prepared by the City's consulting engineers, Tetra Tech MPS of Ann Arbor, Michigan (formerly McNamee, Porter & Seely, Inc.), 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 MDNRE and the Authority.

**Section 4. Costs; Useful Life.** The cost of the current phase of the Project is estimated to be not less than Ten Million Dollars (\$10,000,000), 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 2011 Bonds, the City shall borrow the sum of not to exceed Ten Million Dollars (\$10,000,000) (the "Bond Authorization") and issue the Series 2011 Bonds therefore in one

or more series pursuant to the provisions of Act 94. The remaining cost of the Project shall be defrayed from City funds on hand and legally available for such use.

Except as amended by or expressly provided to the contrary in this Ordinance, all of the provisions of the Master Ordinance shall apply to the Series 2011 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 2011 DWRF Bonds: Details.** Bonds of the City, to be designated **WATER SUPPLY SYSTEM REVENUE BONDS (JUNIOR LIEN), SERIES 2011 (LIMITED TAX GENERAL OBLIGATION)** (the "Series 2011 DWRF Bonds"), are authorized to be issued in one or more series in the aggregate principal sum which, when added together with the principal amount of all other Series 2011 Bonds authorized by and issued under this Ordinance, shall not exceed the Bond Authorization, as finally determined by order of the MDNRE, 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 2011 DWRF Bonds. The Series 2011 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 9 hereof, provided that said Series 2011 DWRF Bonds shall be junior and subordinate to the prior lien with respect to the Net Revenues of the Series 2011 Public Sale Bonds (if issued) and any additional Senior Lien Bonds hereafter issued. The Series 2011 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 2011 DWRF Bonds, payable in principal installments as finally determined by the order of the MDNRE at the time of sale of the Series 2011 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 2011 DWRF Bonds shall be evidenced by execution of a Purchase Contract (the "Purchase Contract") between the City and the Authority providing for sale of the Series 2011 DWRF Bonds, and any one 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 2011 DWRF Bonds are issued in more than one series, the Director of Finance of the City shall assign a specific series designation to each respective series of Series 2011 DWRF Bonds pursuant to the authority granted by Section 16 of this Ordinance.

The Series 2011 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 2011 DWRF Bond contained in Section 12 of this Ordinance or as may be approved by an Authorized Officer at the time of sale of the Series 2011 DWRF Bonds or by the Authority at the time of prepayment.

The Series 2011 DWRF Bonds shall bear interest at the rate determined by the Authority and set forth in the Purchase Contract, but in any event not to exceed three percent (3%) per annum, and the Authorized Officers shall deliver the Series 2011 DWRF Bonds in accordance with the delivery instructions of the Authority. The Series 2011 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 City or a facsimile thereof impressed or imprinted thereon.

The Series 2011 DWRF Bonds 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 2011 DWRF Bonds shall not be convertible or exchangeable into more than one fully-registered bond. Principal of and interest on the Series 2011 DWRF Bonds shall be payable as provided in the Series 2011 DWRF Bond form set forth in Section 12 of this Ordinance.

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 an Authorized Officer.

Upon payment by the City of all outstanding principal of and interest on the Series 2011 DWRF Bond, the Authority shall deliver the Series 2011 DWRF Bond to the City for cancellation.

**Section 7. Issuance of Series 2011 Public Sale Bonds: Details.** Bonds of the City, to be designated **WATER SUPPLY SYSTEM REVENUE BONDS, SERIES 2011** (the "Series 2011 Public Sale Bonds"), are authorized to be issued in one or more series in the aggregate principal sum which, when added together with the principal amount of all other Series 2011 Bonds authorized by and issued under this Ordinance, shall not exceed the Bond Authorization, for the purpose of paying all or 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 2011 Public Sale Bonds. Said Series 2011 Public Sale Bonds shall be sold by competitive or negotiated 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 2011 DWRF Bonds and the Series 2011 MFA Bonds. The Series 2011 Public Sale Bonds shall be payable out of the Net Revenues, as set forth more fully in Section 9 hereof, and shall consist of fully-registered bonds of the denomination of \$5,000 each, or integral multiples thereof not exceeding in any one year the amount maturing in that year, dated as the date of delivery of the Series 2011 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 2011 Public Sale Bonds pursuant to the authority granted by Section 16 of this Ordinance.

The Series 2011 Public Sale Bonds shall bear interest at a rate or rates to be determined on public sale thereof, but in any event not exceeding eight percent per annum (8%), 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 City to conform to market practice in the future. The Series 2011 Public Sale Bonds shall be sold at not less than 97% of their par value. The principal of the Series 2011 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 2011 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 2011 Public Sale Bonds contained in Section 13 of this Ordinance.

In case less than the full amount of an outstanding Series 2011 Public Sale Bond is called for redemption, the transfer agent upon presentation of the Series 2011 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 2011 Public Sale Bonds contained in Section 13 of this Ordinance.

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

The Series 2011 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 City or a facsimile thereof impressed or imprinted thereon. The Series 2011 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 2011 Public Sale Bonds in accordance with the bid therefore 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 8. Issuance of Series 2011 MFA Bonds; Details.** Bonds of the City, to be designated **WATER SUPPLY SYSTEM REVENUE BONDS (JUNIOR LIEN), SERIES 2011 (LIMITED TAX GENERAL OBLIGATION)** (the "Series 2011 MFA Bonds"), are authorized to be issued in one or more series in the aggregate principal sum which, when added together with the principal amount of all other Series 2011 Bonds authorized by and issued under this Ordinance, shall not exceed the Bond Authorization, as finally determined by execution of the Purchase Contract (hereinafter defined), for the purpose of paying part of the cost of the Project not eligible for participation in the DWRP Program and not otherwise payable from other available funds of the City, including the costs incidental to the issuance, sale and delivery of the Series 2011 MFA Bonds. The Series 2011 MFA Bonds shall be sold to the Authority and shall be Junior Lien Bonds, payable out of the Net Revenues as set forth more fully in Section 9 hereof, provided that said Series 2011 MFA Bonds shall be junior and subordinate to the prior lien with respect to the Net Revenues of the Series 2011 Public Sale Bonds and any additional

Senior Lien Bonds hereafter issued. The Series 2011 MFA 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 2011 MFA 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 2011 MFA 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 2011 MFA Bonds shall be evidenced by execution of a Purchase Contract (the "Purchase Contract") between the City and the Authority providing for sale of the Series 2011 MFA Bonds, and the Authorized Officers are authorized and directed to execute and deliver the Purchase Contract when it is in final form and to make the determinations set forth above and in Section 16 of this Ordinance.

The Series 2011 MFA 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 2011 MFA Bond contained in Section 12 of this Ordinance or as may be approved by the Authorized Officers at the time of sale of the Series 2011 MFA Bonds or by the Authority at the time of prepayment.

The Series 2011 MFA Bonds shall bear interest at a rate to be finally determined by execution of the Purchase Contract, but in any event not to exceed eight percent (8%) per annum, and the Authorized Officers shall deliver the Series 2011 MFA Bonds in accordance with the delivery instructions of the Authority. The Series 2011 MFA 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 City or a facsimile thereof impressed or imprinted thereon.

The Series 2011 MFA Bond shall not be convertible or exchangeable into more than one fully-registered bond. Principal of and interest on the Series 2011 MFA Bonds shall be payable as provided in the Series 2011 MFA Bond form set forth in Section 10A of this Ordinance.

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 2011 MFA Bond, the Authority shall deliver the Series 2011 MFA Bond to the City for cancellation.

**Section 9. Payment of Bonds; Security; Priority of Lien.** Principal of and interest on the Series 2011 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 2011 DWRP Bonds and the Series 2011 MFA 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 2011 DWRP Bonds and the Series 2011 MFA Bonds being sold to the Authority, the City hereby pledges its limited tax full faith and credit for the payment of the principal of and interest on the Series 2011 DWRP Bonds and the Series 2011 MFA Bonds. Should the Net Revenues of the System at any time be insufficient to pay the principal of and interest on the Series 2011 DWRP Bonds or the Series 2011 MFA Bonds as the same become due, then the City shall advance from any funds available therefore, or, if necessary, levy taxes upon all taxable property in the City, subject to constitutional, statutory and charter limitations, such sums as may be necessary to pay said principal and interest. The City shall be reimbursed for any such advance from the Net Revenues of the System subsequently received which are not otherwise pledged or encumbered by this Ordinance or the Master Ordinance.

**Section 10. 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 City.

**Section 11. Bond Proceeds.** Upon delivery of any series of the Series 2011 Bonds there shall be first immediately deposited from the proceeds of the Series 2011 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 2011 Bonds. With respect to the Series 2011 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 2011 Public Sale Bonds, as determined by an Authorized Officer. The balance of the proceeds of the sale of the Series 2011 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 2011 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 2011 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 City a signed statement to the effect that the work has been completed in accordance with the plans and specifications therefore; that it was done pursuant to and in accordance with the contract therefore (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 2011 Bonds remaining after completion of the Project in the Construction Fund shall, in the discretion of the City Council of the City, be used either for further improvements, enlargements and extension to the System or for the purpose of purchasing Series 2011 Bonds on the open market at not more than the fair market value thereof, but not more than the price at which Series 2011 Bonds may next be called for redemption, or used for the purpose of paying principal of the Series 2011 Bonds upon maturity or calling Series 2011 Bonds for redemption.

**Section 12. DWRP and MFA Bond Forms.** The Series 2011 DWRP Bonds and Series 2011 MFA 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 (JUNIOR  
LIEN), SERIES 2011\_\_  
(LIMITED TAX GENERAL OBLIGATION)**

REGISTERED OWNER: Michigan Finance Authority  
PRINCIPAL AMOUNT: \_\_\_\_\_ Dollars (\$ \_\_\_\_\_)  
DATE OF ORIGINAL ISSUE: \_\_\_\_\_, 2009

The CITY OF PORT HURON, County of St. Clair, State of Michigan (the "City"), acknowledges itself to owe and for value received hereby promises to pay, primarily out of the hereinafter described Net Revenues of the System (hereinafter defined), to the Michigan Finance 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 Natural Resources and Environment], in lawful money of the United States of America, unless prepaid prior thereto as hereinafter provided.

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

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

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

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

City shall immediately pay to the Authority as invoiced by the Authority an amount to recover the Authority's administrative costs and lost investment earnings attributable to that late payment; and (c) written notice of any redemption of this bond shall be given by the City and received by the Authority's Depository at least 40 days prior to the date on which such redemption is to be made.

Additional Interest

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

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

**The City has reserved the right to issue additional Senior Lien Bonds which shall be superior and senior in all respects to the bonds of this issue as to the Net Revenues.**

**PURCHASERS OF THE BONDS OF THIS ISSUE, BY THEIR ACCEPTANCE OF THE BONDS OF THIS ISSUE OR A BENEFICIAL OWNERSHIP INTEREST THEREIN, SHALL BE DEEMED TO HAVE CONSENTED TO THE SUBORDINATION OF THEIR INTEREST IN AND LIEN UPON THE NET REVENUES UPON THE ISSUANCE OF SENIOR LIEN BONDS SUBSEQUENT TO THE DELIVERY OF THE BONDS OF THIS ISSUE.**

The bonds of this issue are equally secured and on parity in all respects as to the Net Revenues with the City's Water Supply System Revenue Bond (Junior Lien), Series 2001B (Limited Tax General Obligation), dated December 20, 2001, Water Supply System Revenue Bond (Junior Lien), Series 2002B (Limited Tax General Obligation), dated March 28, 2002, Water Supply System Revenue Bond (Junior Lien), Series 2002C (Limited Tax General Obligation), dated September 26, 2002, Water Supply System Revenue Bond (Junior Lien), Series 2003A (Limited Tax General Obligation), dated March 27, 2003, Water Supply System Revenue Bond (Junior Lien), Series 2004A (Limited Tax General Obligation), dated February 18, 2004, Water Supply System Revenue Bond (Junior Lien), Series 2004B (Limited Tax General Obligation), dated March 25, 2004, Water Supply System Revenue Bond (Junior Lien), Series 2004D (Limited Tax General Obligation), dated June 24, 2004, Water Supply System Revenue Bond (Junior Lien), Series 2005A (Limited Tax General Obligation), dated March 31, 2005, Water Supply System Revenue

Bond (Junior Lien), Series 2005B (Limited Tax General Obligation), dated March 31, 2005, Water Supply System Revenue Bond (Junior Lien), Series 2005C (Limited Tax General Obligation), dated March 31, 2005, Water Supply System Revenue Bond (Junior Lien), Series 2005D (Limited Tax General Obligation), dated June 23, 2005, Water Supply System Revenue Bond (Junior Lien), Series 2006A (Limited Tax General Obligation), dated March 30, 2006, Water Supply System Revenue Bond (Junior Lien), Series 2006B (Limited Tax General Obligation), dated March 30, 2006, Water Supply System Revenue Bond (Junior Lien), Series 2006C (Limited Tax General Obligation), dated March 30, 2006, Water Supply System Revenue Bond (Junior Lien), Series 2006D (Limited Tax General Obligation), dated June 22, 2006, Water Supply System Revenue Bond (Junior Lien), Series 2006E (Limited Tax General Obligation), dated September 21, 2006, Water Supply System Revenue Refunding Bonds (Junior Lien), Series 2006 (Limited Tax General Obligation), dated September 27, 2006, Water Supply System Revenue Bonds (Junior Lien), Series 2007A (Limited Tax General Obligation), dated March 29, 2007, and Water Supply System Revenue Bonds (Junior Lien), Series 2008A (Limited Tax General Obligation), dated June 23, 2008 (the "Outstanding Bonds").

This bond is a single, fully-registered, non-convertible bond in the principal sum indicated above issued pursuant to Ordinance No. 1 duly adopted by the City Council of the City on May 10, 1999 and Ordinance No. \_\_\_ duly adopted by the City Council of the City on November 22, 2010, 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 therefore, 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 therefore as provided in the Ordinance authorizing the bonds, and upon payment of the charges, if any, therein prescribed.

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

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

CITY OF PORT HURON

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

(Seal)

Countersigned:

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

SCHEDULE A

Based on the schedule provided below unless revised as provided in this paragraph, repayment of principal of the bond shall be made until the full amount advanced to the City is repaid. In the event the Order of Approval issued by the Department of Natural Resources and Environment (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 <u>  1  </u>	Amount of Principal Installment <u>          </u>
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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 13. Public Sale Bonds Bond Form. The Series 2011 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  
2011  
(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 certain of the Issuer's Water Supply System Revenue Bonds (Junior Lien), issued from time to time by the Issuer under the Ordinance (the "Outstanding Bonds"). [Senior/parity bond recital]

This bond is one of a series of bonds of even date of original issue, aggregating the principal sum of \$\_\_\_\_\_, issued pursuant to Ordinance No. 1 duly adopted by the City Council of the Issuer on May 10, 1999 and Ordinance No. \_\_ duly adopted by the City Council of the Issuer on November 22, 2010, 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) therefore, 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 therefore as provided in the Ordinance authorizing the bonds, and upon payment of the charges, if any, therein prescribed.

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

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

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

CITY OF PORT HURON  
By \_\_\_\_\_  
Mayor

(Seal)  
Countersigned:  
\_\_\_\_\_  
Director of Finance

Date of Registration:

Certificate of Authentication

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

\_\_\_\_\_  
Transfer Agent  
By \_\_\_\_\_  
Authorized Signatory

Section 14. Application to MDNRE and Authority. The Authorized Officers are hereby authorized to make application to the Authority and to the MDNRE for placement of the Series 2011

DWRF Bonds and the Series 2011 MFA 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 MDNRE or as may be otherwise necessary to effect the approval, sale and delivery of the Series 2011 DWRF Bonds and the Series 2011 MFA Bonds, including a Purchase Contract, a Supplemental Agreement and Issuer's Certificate. In the event of a sale of the Series 2011 DWRF Bonds or the Series 2011 MFA Bonds to the Authority, any Authorized Officer is hereby authorized to make such changes to the form of bond contained in Section 12 of this Ordinance as may be necessary to conform to the requirements of 1985 PA 227, as amended ("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 2011 DWRF Bonds or the Series 2011 MFA Bonds are sold to the Authority, the taxes collected by the State of Michigan and returned to the City may be pledged for payment of the Series 2011 DWRF Bonds or the Series 2011 MFA 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 15. Covenant Regarding Tax Exempt Status of the Series 2011 Bonds; Qualified Tax-Exempt Obligations. To the extent that the Series 2011 Bonds are issued in tax-exempt form, the City shall, to the extent permitted by law, take all actions within its control necessary to maintain the exclusion of the interest on such Series 2011 Bonds from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Code"), including, but not limited to, actions relating to any required rebate of arbitrage earnings and the expenditure and investment of Series 2011 Bond proceeds and moneys deemed to be Series 2011 Bond proceeds.

QTE Designation. The Authorized Officers are each hereby individually authorized to designate any series of the Series 2011 Bonds as "qualified tax exempt obligations" for purposes of deduction of interest expense by financial institutions pursuant to the Code, if and only if it is determined by any of such officers at the time of sale of the Series 2011 Bonds that the City does not reasonably anticipate issuing tax-exempt obligations in calendar year 2010 or 2011 in an aggregate principal amount in excess of the limits established by the Code as then in effect.

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

Reimbursement from Bond Proceeds; Declarations. The City may incur Project expenditures prior to receipt of proceeds of the Series 2011 Bonds and may advance moneys from time to time from the general fund for that purpose to be reimbursed from proceeds of the Bonds when available. An Authorized Officer shall keep a specific record of all such expenditures. The City hereby makes and restates the following declaration of intent for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code:

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

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

(c) As of the date hereof, the maximum principal amount of debt expected to be issued for reimbursement purposes, including reimbursement of debt issuance costs, is \$10,000,000.

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

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

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

Section 16. Approval of Bond Details. Any of the Authorized Officers is hereby authorized to adjust the final Series 2011 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 2011 Bonds issued shall not exceed the principal amount authorized in this Ordinance, the interest rate per annum on the Series 2011 Bonds shall not exceed eight percent (8%) per annum, and the Series 2011 Bonds shall mature in not more than thirty (30) principal installments.

Section 17. Competitive Sale of Series 2011 Public Sale Bonds. If the Series 2011 Public Sale Bonds are to be issued and sold at competitive sale, the Director of Finance shall fix a date of sale for the Series 2011 Public Sale Bonds and publish a notice of sale of the Series 2011 Public Sale Bonds in the form and manner required by applicable law and regulations.

Section 18. Build America Bonds; Tax Credit Bonds. The Authorized Officers are each hereby authorized to determine, based upon the advice of the City's Registered Municipal Advisor, whether to sell the Series 2011 Bonds on a tax exempt basis or on a taxable basis as Building America Bonds or other tax credit bonds (including, if then available, as Recovery Zone Economic Development Bonds). If the Series 2011 Bonds are sold as Build America Bonds or tax credit bonds, the Series 2011 Bonds shall be designated GENERAL OBLIGATION LIMITED TAX BONDS (TAXABLE) (BUILD AMERICA BONDS – DIRECT PAY) or such other designation selected by the Authorized Officers. The Authorized Officers are each hereby authorized and directed to take all other actions necessary or advisable, and to make such other filings with any parties, including the Internal Revenue Service, to request the payment of the appropriate credits from the United States Treasury. Any credit payments received on the

Build America Bonds or tax credit bonds from the United States Treasury shall be deposited into the Debt Retirement Fund.

Section 19. Negotiated Sale, Bond Purchase Agreement; Award. The Authorized Officers are each hereby authorized on behalf of the City to determine to conduct and pursue a negotiated sale of the Series 2011 Bonds if, in light of current market conditions and upon advice of the City's Registered Municipal Advisor, a negotiated sale would present advantages and opportunities to select and adjust terms for the Series 2011 Bonds, to allow more flexibility in accessing the municipal bond market, and to price and sell the Series 2011 Bonds at the time that is expected to best achieve the most advantageous interest rates and lowest costs to the City. In the event that a negotiated sale is pursued, then the Authorized Officers are each individually authorized to select an underwriter or purchaser for the Series 2011 Bonds, negotiate and execute a bond purchase agreement with the underwriter or purchaser, execute a Sale Order and take all other necessary actions required to effectuate the sale, issuance and delivery of the Series 2011 Bonds within the parameters authorized in this resolution, provided that the underwriter's discount shall not exceed 1.75% of the principal amount of the Series 2011 Bonds.

Section 20. Continuing Disclosure. If then required in connection with the issuance and sale of the Series 2011 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, 2011, (i) certain annual financial information and operating data, including audited financial statements for the preceding fiscal year, (ii) timely notice of the occurrence of certain material events with respect to the bonds and (iii) timely notice of a failure by the City to provide the required annual financial information on or before the date specified in (i) above to enable prospective purchasers of the Series 2011 Public Sale Bonds to meet their obligations under the Rule, and the Director of Finance is authorized and directed to execute the Undertaking.

Section 21. 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 2011 Public Sale Bonds, if then required; to procure a policy of municipal bond insurance with respect to the Series 2011 Bonds or cause the qualification of the Series 2011 Bonds therefore if, upon the advice of the City's Registered Municipal Advisor, the acquisition of such insurance would be of economic benefit to the City; to obtain ratings on the Series 2011 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 2011 Bonds as contemplated herein.

Section 22. 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 23. 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 24. Publication and Recordation. This Ordinance shall be published in full in the *Times Herald*, a newspaper of general circulation in the City qualified under State law to publish legal notices, promptly after its adoption, and shall be recorded in the Ordinance Book of the City and such recording authenticated by the signatures of the Mayor and City Clerk.

Section 25. Effective Date. Pursuant to the provisions of Act 94, this Ordinance shall be effective upon its adoption.

Susan M. Child, CMC  
City Clerk

ADOPTED: 12/13/10  
PUBLISHED: 12/18/10  
EFFECTIVE: 12/18/10

Adopted by consent.

#### MOTIONS & MISCELLANEOUS BUSINESS

**1. Mayor Repp** announced the following:

City offices will be closed on December 23 and 24 for the Christmas holiday and December 31 for the New Year holiday.

A neighborhood watch meeting will be held on December 16 at Harrison Center for residents of that area.

**2. Councilmember Miller** commended retiring Police Chief Don Porrett for the outstanding job he has done for the department.

**3. Councilmember Archibald** moved to enter into closed session in Conference Room 408 to review written opinion from legal counsel, seconded by Councilmember Miller.

Motion adopted by the following vote:

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

No: None.

Absent: Councilmember Moeller.

On motion (9:15 p.m.), the Council adjourned from closed session and reconvened the regular meeting.

On motion (9:15 p.m.), the regular meeting adjourned.

SUSAN M. CHILD, CMC  
City Clerk