

**Minutes are posted as soon as they become available. Please note they are not official until they are adopted at the next regularly scheduled meeting.**

**CITY OF PORT HURON  
2012  
Council-Manager Government**

**MAYOR**  
Pauline M. Repp

**COUNCIL**

Sherry L. Archibald <sup>1</sup>	Kenneth D. Harris	Brian J. Moeller
Rachel L. Cole	Alan R. Lewandowski	Rico A. Ruiz

<sup>1</sup>Mayor Pro Tem

**ADMINISTRATIVE OFFICERS**

**City Manager**  
Bruce C. Brown

**City Clerk's Office, Elections & Bureau of  
Public Information & Complaints Dept.**

Susan M. Child ..... City Clerk

**Community Development**

Kimberly A. Harmer ..... Director

**Finance Department**

John H. Ogden ..... Director

**Fire Department**

Robert W. Eick ..... Chief

**Human Resources Department**

Julie A. Davis ..... Director

**Information Technology**

James J. Brennan ..... Director

**Marinas**

Daniel Collins ..... Harbormaster

**Parks, Forestry, Cemetery & Parking Division**

Robert W. Eick ..... Supervisor

**Planning Department**

Kimberly A. Harmer ..... Director

**Police Department**

Michael W. Reaves ..... Chief

**Public Works**

Robert E. Clegg ..... City Engineer

**Recreation**

Nancy A. Winzer ..... Director

**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, January 9, 2012, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.**

The meeting was called to order by Mayor Repp.

Present: Mayor Repp; Councilmembers Archibald, Cole, Harris, Lewandowski, Moeller and Ruiz.

The minutes of the regular meeting of December 12, 2011, were approved.

**AT THIS POINT, Councilmember Archibald** moved to add Presentation #2 to the agenda, seconded by Councilmember Ruiz. Motion adopted unanimously.

### PRESENTATIONS

1. Robert Clegg, City Engineer, gave a presentation on the solid waste program, including alternatives for the various programs and services provided to residents (see City Clerk File #12-2).
2. Jeff Bohm, St. Clair County Board of Commissioners Chairperson, addressed the City Council about future land development opportunities for County-owned properties along the St. Clair River, which included moving the county courthouse, expanding the current county building on Grand River Avenue and using the current Art Van property for parking, so that private development of the waterfront area could occur in the future.

### PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments on the Parks and Recreation Plan.

Kim Harmer, Planning Director, commented that the five-year Parks and Recreation plan is reviewed and updated every five years. It is necessary in order to be eligible for state and federal grants. It is also an opportunity to review what we have, what needs to be improved and to put together future wish lists of items.

Sue Powers, 8th Street, submitted a letter and commented that she would like to see the City work on acquiring property owned by Kramer Realty along the west side of Military Street to add a closer access site to the Bridge to Bay Trail from her neighborhood. (See City Clerk File #12-3 for a copy of her letter.)

Lynn Mills, representing Kramer Realty, commented that the property along Military Street previously mentioned is for sale and that they are willing to work with the City if the City is interested in purchasing this property.

Shirley Watts commented that she would like to see a recreational facility built at Knox Field.

Terry Ruff, director of Competitive Sports, commented that he supports the bleacher improvement project in Pine Grove Park.

**The Mayor** declared the hearing closed.

2. **The Mayor** announced that this was the time to hear comments on the request for an OPRA District on property at 522 Huron Avenue.

Lynn Mills, Property Manager for LK Investments, thanked the Council for consideration of their exemption certificate request.

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

WHEREAS, pursuant to Public Act 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 December 12, 2011, the City Council adopted Resolution #5 scheduling a public hearing for January 9, 2012, to receive comments on the establishment of an OPRA District for the property located at 522 Huron Avenue (Parcel 74-06-298-0059-000), legally described as *North one-half Lot 5 and Lots 6, 7, and 8, Block 11, Butler Plat*, City of Port Huron, St. Clair County, 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 December 17, 2011, in The Times Herald; and

WHEREAS, on January 9, 2012, 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 522 Huron Avenue OPRA District as proposed;

NOW, THEREFORE, BE IT RESOLVED by the Port Huron City Council that the above-described parcel of land located at 522 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 522 Huron Avenue OPRA District.

Motion adopted unanimously.

3. **The Mayor** announced that this was the time to hear comments on the request for an OPRA Exemption Certificate for the property at 522 Huron Avenue.

No one appeared to be heard.

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

WHEREAS, pursuant to P.A. 146 of 2000, the City of Port Huron is a Qualified Local Governmental Unit eligible to establish one or more Obsolete Property Rehabilitation (OPRA) Districts; and

WHEREAS, the City of Port Huron legally established the 522 Huron Avenue OPRA District on January 9, 2012, after a public hearing held on January 9, 2012; and

WHEREAS, an OPRA Exemption Certificate application submitted by LK Investments, Inc. for the obsolete property (as defined in Section 2(h) of P.A. 146 of 2000) located at 522 Huron Avenue was approved at a public hearing held on January 9, 2012, as provided by Section 4(2) of P.A. 146 of 2000; and

WHEREAS, the taxable value of the property proposed to be exempt plus the aggregate taxable value of property already exempt under P.A. 146 of 2000 and Under P.A. 198 of 1974 (IFTs) does not exceed five percent (5%) of the total taxable value of the City of Port Huron; and

WHEREAS, LK Investments, Inc. is not delinquent in any taxes related to the facility; and

WHEREAS, the application was approved for less than 12 years and will not be eligible for an extension; and

WHEREAS, LK Investments, Inc. has provided answers to all required questions under the application instructions to the City of Port Huron; and

WHEREAS, the City of Port Huron requires that rehabilitation of the facility shall be completed by December 31, 2018; and

WHEREAS, the commencement of the rehabilitation of the facility did not occur before January 9, 2012; and

WHEREAS, the application relates to a rehabilitation program that when completed constitutes a rehabilitated facility within the meaning of P.A. 146 of 2000 and is situated within an OPRA District established in the City of Port Huron; and

WHEREAS, completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to increase commercial activity and create employment in the City of Port Huron; and

WHEREAS, the rehabilitation includes improvements aggregating ten percent (10%) or more of the true cash value of the property at commencement of the rehabilitation as provided by Section 2(l) of P.A. 146 of 2000;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby grants an OPRA Exemption for the real property, excluding land, located in 522 Huron Avenue OPRA District at 522 Huron Avenue for a period of seven (7) years, beginning December 31, 2012, and ending December 30, 2018, pursuant to the provisions of P.A. 146 of 2000, as amended.

Motion adopted unanimously.

#### PUBLIC COMMENT

1. Mrs. Buckles commented that she would like to see the City sponsor a National Day of Prayer specifically for children.
2. The following people requested that the owner of 1026 - 10th Avenue be given additional time to complete the code case repairs: Laura LaCroix (owner), Wayne Herber, Tiffany Gamble, Phil Terpening and David Ellingwood.
3. Shirley Watts commented about jobs, the need for recreational facilities for children and recognizing Mrs. Knox for her past donations to the City.

4. Donna Klune commented about the deterioration of her neighborhood by uncaring neighbors, renters and landlords.

5. Joseph Greaux requested that the Ojibawa burial grounds by the convention center project be left undisturbed.

#### CONSENT AGENDA

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

#### COMMUNICATIONS & PETITIONS

**\*C-1.** Letter from Sue Powers requesting that the City consider purchasing property which would allow public access from the west side of Military Street to the Bridge to Bay Trail.

Received and filed by consent.

**\*C-2.** Letter from Alvastine Stewart regarding her proposal for a senior citizen complex north of Chase Bank.

Received and filed by consent.

#### UNFINISHED BUSINESS

**UF-1. The following item was postponed from the October 10, 2011, regular meeting:**

WHEREAS, the condition of the property located at 1026 - 10th Avenue within the City of Port Huron, St. Clair County, Michigan, legally described as *North 32 feet Lot 4, Block 84, Addition to the City of Port Huron, being a subdivision of a portion of Fort Gratiot Military Reservation*, has been brought to the attention of the City Council by the Building Official as *Code Case #11-021* claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #11-79; and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property violations regarding the Code of Ordinances of the City of Port Huron and requesting abatement of these conditions and, to date, there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted June 27, 2011, with respect to said property, it is the judgment of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, Section 10-211 and Chapter 34, Section 34-3 of the Code of Ordinances of the City of Port Huron;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

2. As property owner has entered into a Work Agreement dated June 27, 2011, with the City to abate the nuisance at subject property, with specific completion dates, if said dates are not met in accordance with the Work Agreement, the City Manager is hereby directed to cause the abatement of such conditions and nuisance by immediate demolition.

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

4. That the City Manager is hereby authorized to solicit and receive bids in order that the City is in a position to move promptly to carry out the direction of the City Council as provided herein and that costs for asbestos abatement and demolition are authorized in an amount not to exceed \$20,000.00.

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

**Councilmember Archibald** moved to follow staff's recommendation to *extend the agreement* until February 27, 2012, seconded by Councilmember Cole.

Motion to extend the agreement adopted unanimously.

**UF-2. The following item was postponed from the December 12, 2011, regular meeting:**

WHEREAS, this City Council believes that public safety is the number one priority for the residents of our community; and

WHEREAS, in the current 2011-12 budget, three (3) police officer positions were eliminated; and

WHEREAS, the Port Huron Police Department has demonstrated a major influx of drugs, overdoses, assaultive behavior and robberies;

NOW, THEREFORE, BE IT RESOLVED that the City Council believes that it is in the best interest for the residents of this community that the three (3) police officer positions are reinstated and that the appropriate budgetary adjustments are made by the administration.

**Councilmember Archibald** moved to *postpone* the resolution indefinitely until the Police Chief comes back with a specific plan and a specific request, seconded by Councilmember Ruiz.

Motion to *postpone indefinitely* adopted by the following vote:

- Yes: Mayor Repp; Councilmembers Archibald, Cole, Lewandowski and Ruiz.
- No: Councilmembers Harris 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 Ruiz:

On December 15, 2011, the City of Port Huron received two (2) bids for the purchase of two (2) 2013 single-axle dump trucks with underbody scraper and front plow blade for the DPW, Streets Section:

Tri County International Trucks, Inc. (Dearborn, MI)	\$119,084.00 ea.
Wolverine Truck Sales, Inc. (Dearborn, MI)	*

\* Did not meet specifications

It is recommended that the proposal of Tri County International Trucks, Inc., 5701 Wyoming Avenue, Dearborn, Michigan 48126, in the amount of Two Hundred Thirty-Eight Thousand One Hundred Sixty-Eight and 00/100 Dollars (\$238,168.00) 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, Cole, Harris, Lewandowski and Ruiz.
- No: Councilmember Moeller.
- Absent: None.

**CM-2. Councilmember Archibald** moved to receive and file the following summary of Council's goals and priorities for 2012, seconded by Councilmember Lewandowski:

At the December 5, 2011 Special City Council Meeting, a list of items were discussed as priorities for 2012 with a request that each Councilmember rate the items in order of importance as to their priority.

Following is the list of those items highest rated:

- Increase efforts to eliminate illegal drugs in Port Huron
- Create an operational plan for McMorran Place
- Reduce the cost of city government – privatize or consolidate operations where possible
- Assist in the development of a downtown transit center
- Seek replacement of the Central Fire Station
- Market city-owned properties for sale
- Develop employee succession plans
- Develop a plan for MDOT mitigation funds
- Create a focused grant application program
- End city oversight of the Downtown Port Huron organization

Motion adopted unanimously.

**RESOLUTIONS**

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

BE IT RESOLVED that the Finance Director is hereby authorized to pay the attached payments. (See City Clerk File #12-01)

Motion adopted unanimously.

**\*R-2.** 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  
 Former Black River Café, 213 Huron Avenue  
 Blue Water Bowl, 2419 Lapeer Avenue  
 Enigma & Rum & Whisky Runnerz, 400 Quay Street  
 Harrington Inn, 1026 Military Street  
 Military Street Music Café, 1102 Military Street  
 Zebra Lounge & Lanes, 522 Quay Street

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

1. Notify, in writing, the licensees listed above that a hearing will be held on **Monday, February 13, 2012**, 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-3.** 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 \$606.90 for sidewalk replacement upon the lots and premises described in the attached special assessment report (see City Clerk File #12-4).

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 \$1,011.49 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 #12-5).

Adopted by consent.

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

WHEREAS, the City of Port Huron has been informed that their application to the Federal Emergency Management Agency (FEMA) and the U.S. Department of Homeland Security (DHS) for the FY2011 Assistance to Firefighters Grant Program (AFGP) in the area of Vehicle Acquisition has been approved; and

WHEREAS, the principal objective of this grant agreement for the Port Huron Fire Department is to purchase a new aerial ladder truck to replace a 1985 aerial unit; and

WHEREAS, 90% of the total project cost has been approved as the Federal share with the City of Port Huron being responsible for 10% as the local match; and

WHEREAS, Seven Hundred Twenty-Nine Thousand and 00/100 Dollars (\$729,000.00) is being awarded at this time;

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the terms of this FY2011 Assistance to Firefighters Grant Program Agreement (AFGP) through the FEMA/DHS and that the City of Port Huron does hereby specifically agree, but not by way of limitation, to the following:

1. To maintain satisfactory financial accounts, documents and records in order to file reports with the FEMA's Grant Programs Directorate (GPD);
2. To comply with any and all terms of said agreement including all terms not specifically set forth in the foregoing portion of this resolution; and

BE IT FURTHER RESOLVED that the appropriate City officials are hereby authorized to execute this grant agreement, as well as any further amendments necessary to fund the project, on behalf of the City (see City Clerk File #12-6); and

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

Motion adopted unanimously.

**\*R-6.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for removal of noxious weeds or unlawful growths or blighting factors; and

WHEREAS, the costs for removing noxious weeds or unlawful growths or blighting factors shall be assessed to the property owners pursuant to Chapter 22, Sections 22-83 and 22-108, City of Port Huron Code of Ordinances; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot assessments totaling \$575.00 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 #12-7).

Adopted by consent.

**\*R-7.** WHEREAS the Wastewater Treatment Plant operates under a National Pollutant Discharge Elimination System (NPDES) Discharge Permit required by the United States Environmental Protection Agency (EPA) and approved by the Michigan Department of Environmental Quality (MDEQ); and

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

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

Adopted by consent.

**\*R-8.** WHEREAS, the United States Department of Housing and Urban Development (HUD) requires entitlement communities to conduct a public hearing regarding the views and comments of citizens as to the housing and community development needs within the City for the next fiscal year beginning April 1, 2012; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby schedules a public hearing for Monday, January 23, 2012 to hear views of citizens on the general needs in community development, housing and special services, utilizing CDBG and HOME funds for the fiscal year beginning April 1, 2012;

BE IT FURTHER RESOLVED that the City Council hereby schedules a second public hearing for February 13, 2012, to hear comments on the proposed 2012 Annual Action Plan including CDBG and HOME funds.

Adopted by consent.

**\*R-9.** WHEREAS, the following costs have been incurred by the City of Port Huron for emergency demolition proceedings of the structure(s) on the following described property and said costs have been reviewed by the City Council:

<u>Property #</u>	<u>Property Description</u>	<u>Costs</u>
74-06-734-0085-000	1129 Wall Street	\$9,564.00

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single-lot special assessment totaling \$9,564.00 for emergency demolition proceedings of structure(s) on the above-described property.

Adopted by consent.

**MOTIONS & MISCELLANEOUS BUSINESS**

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

City offices will be closed on Monday, January 16 in observance of Martin Luther King, Jr., Day.

Applications for the McMorran Civic Center Authority will be accepted for consideration through January 13. Council will appoint members to this board at the next regular meeting.

**2.** Councilmember Harris mentioned that the International Silverstick Hockey Tournament will be held Jan. 12-15 at McMorran Place and encouraged the community to attend.

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, January 23, 2012, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.**

The meeting was called to order by Mayor Repp.

Present: Mayor Repp; Councilmembers Archibald, Cole, Harris, Lewandowski, Moeller and Ruiz.

The minutes of the regular meeting of January 9, 2012, were approved.

**PRESENTATIONS**

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

**PUBLIC HEARINGS**

1. **The Mayor** announced that this was the time to hear comments on the general needs in community development, housing and special services utilizing CDBG and HOME funds for the fiscal year beginning April 1, 2012

No one appeared to be heard.

**The Mayor** declared the hearing closed.

**PUBLIC COMMENT**

1. Margaret Enright commented about upcoming activities at McMorran Place and encouraged citizens to attend.

2. Kirk Kramer, Vice President of Administrative Services at SC4, mentioned that Board Member Robert Tansky and President Kevin Pollack were also in attendance to address any questions about their proposed campus improvements. He stated that funding is in place and work could begin shortly after the winter weather concludes if approval is given. The project will improve safety for students and staff and improve walking opportunities to the downtown area.

3. Donna Klune commented with concerns with the intent of the resolution opting out of the water monitoring system and that clean water is important to her.

4. David Ellingwood commented that he supports improving the college campus walking area.

**CONSENT AGENDA**

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

**FROM THE CITY MANAGER**

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

On January 5, 2012, the City of Port Huron received two (2) bids for the purchase of a 2012 two-cubic yard dump truck with salter and front plow blade for the Parks & Forestry and Cemetery Departments:

Northgate Ford (Port Huron, MI) \$62,641.00  
Signature Ford (Owosso, MI) \*

\* Did not meet specifications and withdrew bid

It is recommended that the bid of Northgate Ford, 3600 Pine Grove Avenue, Port Huron, Michigan 48060, in the amount of Sixty-Two Thousand Six Hundred Forty-One and 00/100 Dollars (\$62,641.00) 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, Cole, Harris, Lewandowski and Ruiz.  
No: Councilmember Moeller.  
Absent: None.

**RESOLUTIONS**

AT THIS POINT, the City Council voted by ballot to determine the four (4) members that will serve on the McMorran Board. See City Clerk File #12-8 for a copy of the voted ballots.

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

WHEREAS, the City Council extended the Articles of Incorporation for the McMorran Civic Center Authority until June 30, 2013, to provide the opportunity to refocus on the plan for the future of this facility; and

WHEREAS, in December 2011, the City Council appointed four (4) new members to serve on the Authority through June 30, 2013, with the balance of the members to be appointed in January 2012; and

WHEREAS, the City Manager was appointed to serve so that the Authority had a sufficient number of members serving so that business could be transacted until a full board was appointed and, with the adoption of this resolution, the City Manager will relinquish his membership on the Authority;

NOW, THEREFORE, BE IT RESOLVED that the following four (4) members are hereby appointed to the McMorran Civic Center Authority, effective immediately, for terms to expire June 30, 2013:

Jack Belyea  
Kathy T. Duffy  
Robert Eppley  
B. Mark Neal

BE IT FURTHER RESOLVED that the City Manager hereby relinquishes his appointment on the Authority upon adoption of this resolution.

Motion adopted by the following vote:

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



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

WHEREAS, Bruce C. Brown has been the City Manager since 2009 under contract with the City; and

WHEREAS, it is the desire of the City Council to extend the City Manager’s contract for one (1) year with the potential for an additional one (1) year extension;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached City Manager’s contract with Bruce C. Brown and authorizes the appropriate City officials to execute said contract. (See City Clerk File #12-9).

Motion adopted by the following vote:

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

No: Councilmembers Harris and Moeller.

Absent: None.

**\*R-3.** WHEREAS, it is stated in the Charter of the City of Port Huron, Chapter 7, General Taxation, Section 7-6, Board of Review:

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

NOW, THEREFORE, BE IT RESOLVED that the City Manager’s appointments of the following City residents to the 2012 Board of Review, for terms to expire February 28, 2013, are hereby approved and confirmed:

Gary Stoldt  
Gary Westrick  
Jeff Wine

BE IT FURTHER RESOLVED that the 2012 Board of Review shall convene on March 12, 2012, and continue in session as follows:

- March 12, 2012 9:00 a.m. - 3:00 p.m.
- March 13, 2012 1:00 p.m. - 4:00 p.m.
- March 14, 2012 5:30 p.m. - 9:30 p.m.
- March 15, 2012 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-4.** WHEREAS, the City of Port Huron’s existing five-year Parks and Recreation Plan expired in 2011; and

WHEREAS, before beginning the process of updating the plan, a survey was randomly sent to City residents to receive their views and opinions of the parks and recreation facilities and programs; and

WHEREAS, City Administration prepared a draft 2012-2016 Parks and Recreation Plan, taking into consideration the survey results and staff recommendations, and a public hearing was held before the City Council on January 9, 2012, to receive further public comments;

NOW, THEREFORE, BE IT RESOLVED, that the Port Huron City Council hereby approves the 2012-2016 Parks and Recreation Plan (see City Clerk File #12-10);

BE IT FURTHER RESOLVED that the City Council authorizes the submission of the plan to the Michigan Department of Natural Resources for their review and approval in order to be eligible for state and federal recreation grant programs.

Adopted by consent.

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

WHEREAS, the City Council approved a contract with Waste Management of Michigan, Inc. to provide solid waste/recycling services for a five-year period on April 10, 2006 which is due to expire on June 30, 2011, was amended on August 13, 2007 clarifying fuel surcharge provisions and amended on January 24, 2011 to extend the contract until June 30, 2012; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the third amendment to the contract with Waste Management of Michigan, Inc. to provide solid waste/recycling services with all other provisions of the existing contract remaining in full force and effect through June 30, 2013 and authorizes the appropriate City officials to execute the agreement (see City Clerk File #12-11).

Motion adopted unanimously.

**\*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 (1,657 dry tons in 2011);

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the payment of \$21,808.44 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. Councilmember Harris** moved the adoption of the following resolution, seconded by Councilmember Archibald:

WHEREAS, the City of Port Huron signed a Memorandum of Understanding with Macomb County in January 8, 2007, to participate in the Drinking Water Monitoring System project; and

WHEREAS, this project was originally funded with federal, state, county and municipal funds; and

WHEREAS, the City of Port Huron has made cash and in-kind contributions over the years which have been used as matching funds for state and federal grants and have helped Macomb County, as fiduciary, to operate and maintain the system; and

WHEREAS, the City Council has authorized \$5,000 in the current year's budget to fund our share of these costs; and

WHEREAS, the ability to obtain additional grant money to support operations is not available and it is the intent of Macomb County to turn operational responsibility for the monitoring equipment over to the municipalities that operate water treatment facilities as of November 30, 2012; and

WHEREAS, Macomb County is going to begin a transitional year (December 2011 through December 2012) during which Macomb and St. Clair counties will continue to jointly support and provide the data management system at a cost of \$50,000 each; and

WHEREAS, each municipality is being to asked support and operate the equipment installed at their water filtration plants and pay a fee to a consultant to operate data acquisition and the website systems to update all water plants of monitoring data; and

WHEREAS, the current monitoring equipment installed at the City's water filtration plant has an estimated annual operation and maintenance cost for the upcoming year of \$11,000 which would cover routine maintenance, trouble shooting and sensor replacement; and

WHEREAS, under a new operating agreement, the City would also become responsible for replacement of the current monitoring equipment in the future which is estimated to be approximately \$25,000; and

WHEREAS, Macomb County has offered each original participant of the Drinking Water Monitoring System the option to continue participating under the terms and conditions stated in the *Operations To Be Carried Out By Municipalities* document or to withdrawal from the Drinking Water Monitoring System at which time Macomb County will uninstall and take possession of the monitoring equipment originally installed at no cost to the City; and

WHEREAS, Macomb County has clearly stated that their responsibilities and assumption of costs will end November 30, 2012, and they have no intent on contributing funds to the data management system; and

WHEREAS, the intent of St. Clair County to contribute funds for the Drinking Water Monitoring System is unknown; and

WHEREAS, the current cost of the data management system is approximately \$100,000 and is currently being funded by Macomb and St. Clair counties through November 30, 2012; and

WHEREAS, depending on the number of participating municipalities, the potential for an increase in cost to the City to participate in the Drinking Water Monitoring System could be significant; and

WHEREAS, it is our understanding, at this point, that several downriver communities have opted out of the Drinking Water Monitoring System and one community has instituted a new fee on their customers to support the system; and

WHEREAS, while the Drinking Water Monitoring System has some benefit to the City's water filtration plant, the potential risk to the City's raw water intake is minimal compared to other participating downstream water filtration plants because of our location on the St. Clair River; and

WHEREAS, the City's previous cash and in-kind contributions for the Drinking Water Monitoring System was warranted for the benefit received from the Drinking Water Monitoring System; and

WHEREAS, with the known and unknown increase in annual operation and maintenance costs for the City in the next and following years, the City has a less costly alternative method of monitoring our water intakes to achieve similar results; and

WHEREAS, along with sampling protocol, the City staff at the water filtration plant can install less costly monitoring equipment that would detect a potential problem prior to the water being distributed resulting in no additional risk to the City's public drinking water system and allowing staff to contact other downstream water systems on a timely basis; and

WHEREAS, if all users of the system paid a proportionate share of the cost of the system based upon customers served, the City may reconsider participating in the program;

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby authorize the appropriate City officials to sign the "Statement of Intention" indicating that the City of Port Huron does **not** agree to participate or continue participating in the Drinking Water Monitoring System from December 5, 2011, through December 2, 2012, under the terms and conditions described in *APPENDIX B: OPERATIONS TO BE CARRIED OUT BY MUNICIPALITIES* (see City Clerk File #12-12).

Motion adopted unanimously.

**\*R-8.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for an emergency board-up of a vacant structure; and

WHEREAS, the cost for boarding up of openings shall be assessed to the property owner(s) pursuant to Article IV, Property Maintenance Code, Section 109.2 Temporary Safeguards, 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 \$130.00 for an emergency board-up of the premises described in the attached special assessment report (see City Clerk File #12-13).

Adopted by consent.

**\*R-9.** WHEREAS, Chapter 10, Buildings and Building Regulations, Article V, Rental Certification, Section 10-162, Annual Operating Fees, of the Code of Ordinances for the City of Port Huron specifies the annual operating fee for the periodic inspection and certification of rental units shall be as adopted by resolution of the City Council and amended as necessary; and

WHEREAS, the Rental Certification program operates on a "break even" basis and a recent audit of the program revealed an operating deficit; and

WHEREAS, it is the City's desire to allow the public to comment on the proposed fees to be implemented for the 2012 Annual Operating Fee to be assessed for each residential rental unit as follows:

\$43.00 per unit for the first unit up to 20 units at the same site, and \$37.00 for every unit thereafter;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby schedules a public hearing on the 2012 Rental Certification Annual Operating Fees for February 13, 2012.

Adopted by consent.

**R-10. Councilmember Moeller** moved the adoption of the following resolution, which was requested by Councilmember Moeller, seconded by Councilmember Harris:

BE IT RESOLVED that the City's funding for the Economic Development Alliance of St. Clair County is immediately withdrawn due to its lack of support for local and county businesses.

Motion *rejected* by the following vote:

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

**R-11. RESOLUTION REMOVED.** Councilmember requested that his resolution to amend the 2011-12 budget for the purpose of funding three police officer positions be removed from the agenda.

**R-12. Councilmember Harris** moved the adoption of the following resolution, which was submitted by Councilmember Harris, seconded by Councilmember Moeller:

WHEREAS, on December 5, 2011, the Police Chief and four (4) members of the Port Huron Police Department gave a presentation on the drug problems and resulting crime and its history in Port Huron. This would require a physical change in the Port Huron Police Department; and

WHEREAS, on December 12, 2011, four (4) Port Huron Police Department members, two (2) citizens and two (2) clergy again demonstrated that from a PowerPoint demonstration and facts of Port Huron's quality of life that in order for Port Huron to return to a quality of life as expected in Port Huron;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby directs the City Manager Bruce Brown to order a solicitation for additional officers and adjust such budget items to allow this process to begin no later than January 24, 2012.

Motion *rejected* by the following vote:

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

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

WHEREAS, numerous sections of the Code of Ordinances of the City of Port Huron require that fees are to be set by resolution of the City Council from time to time; and

WHEREAS, the City also charges certain other fees that are not specifically governed by ordinance, but are charged in order to defray the cost of user-specific fees; and

WHEREAS, these fees are periodically reviewed and adjusted, if necessary;

NOW, THEREFORE, BE IT RESOLVED that the following schedule of fees is hereby adopted with the proposed changes with an effective date of February 1, 2012:

**SCHEDULE OF FEES**

Chapter/ Section	Description	Current Fees	Proposed Changes
12-84	<b>Auto-wash establishment license</b> Annual fee .....	<b>\$60.00</b>	<b>No fee</b>
36-16	<b>Boat launch fees (12th Street &amp; Riverside)</b> Seasonal permit .....	24.00	
	Daily launch permit .....	6.00	
10-32	<b>Building fees</b>		
	<b><u>Building Permit Fees (based on cost, time and material):</u></b>		
	<b>\$1 to \$500</b> .....	50.00	
	<b>\$501 to \$2,000</b>		
	First \$500 .....	50.00	
	For each additional \$100, or fraction of, up to and including \$2,000 .....	4.00	
	<b>\$2,001 to \$25,000</b>		
	First \$2,000 .....	110.00	
	For each additional \$1,000, or fraction of, up to and including \$25,000 .....	15.00	
	<b>\$25,001 to \$50,000</b>		
	First \$25,000 .....	455.00	
	For each additional \$1,000, or fraction of, up to and including \$50,000 .....	10.00	
	<b>\$50,001 to \$100,000</b>		
	First \$50,000 .....	705.00	
	For each additional \$1,000, or fraction of, up to and including \$100,000 .....	8.00	
	<b>\$100,001 to \$500,000</b>		
	First \$100,000 .....	1,105.00	
	For each additional \$1,000, or fraction of, up to and including \$500,000 .....	7.00	
	<b>\$500,001 to \$1,000,000</b>		
	First \$500,000 .....	3,905.00	
	For each additional \$1,000, or fraction of, up to and including \$1,000,000 .....	5.00	
	<b>\$1,000,001 and up</b>		
	First \$1,000,000 .....	6,405.00	
	For each additional \$1,000 or fraction of .....	5.00	
	<b><u>Demolition Permit (based on cost):</u></b>		
	\$0 to 4,999 .....	110.00	
	\$5,000 to \$19,999 .....	220.00	
	\$20,000 to \$49,999 .....	330.00	
	\$50,000 to \$99,999 .....	440.00	
	\$100,000 and up per \$10,000 of additional cost, add .....	110.00	
	<b><u>Other Inspections and Fees:</u></b>		
	Inspections outside normal business hours (minimum charge - two hours) .....	60.00	
	Re-inspection .....	60.00	
	Inspection not specifically listed (minimum charge - one-half hour) .....	60.00	
	Additional plan review required by changes, additions or revisions to plans .....	60.00	
	Use of outside consultants for plan checking and inspections or both .....	60.00	
	All projects subject to Plan Review Fee (up to 65% of building permit fee) .....		
	Certificate of Occupancy Bond (refundable at issuance of final certificate) .....	60.00	
	<b><u>Zoning Permit, 1-5 (see below):</u></b>	25.00	
	1. One-story, detached accessory building used as tool and storage shed, playhouses, and similar uses, provided the floor area does not exceed 120 square feet (11.15m).		
	2. Fences six feet (1829mm) or less in height.		
	3. Retaining wall 4 feet (1219mm) or less in height measured from bottom of footing to top of wall (unless supporting a surcharge or impounding Class I, II, or III-A liquids).		
	4. Platforms, walks and driveways not more than thirty (30") inches (762mm) above grade and not over any basement or story below.		
	5. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5,000 gallons (18927L).		

Chapter/ Section	Description	Current Fees	Proposed Changes
12-728	<b>Busking permit</b> Per act, semi-annually .....	10.00	
38-47	<b>Disposal area - permit to operate</b> Annual fee .....	30.00	
10-32	<b>Electrical fees</b> 1. Application Fee (Non-refundable) ..... 2. Service: Through 200 amp ..... Over 200 amp through 600 amp ..... Over 600 amp through 800 amp ..... Over 800 amp through 1200 amp ..... Over 1200 amp (GFP) ..... 3. Circuits (*include all branch circuits, regardless of load-end termination point) ..... 4. Lighting fixtures (per 25) ..... 5. Stationary appliances-dishwasher, disposal, etc.* ..... 6. Furnace, space heater, boiler, etc.* ..... 7. Electrical heating units - baseboard* ..... 8. Power outlets - ranges, dryers, welders, etc.* ..... 9. Signs: Unit* ..... Letter* ..... Neon/each 25 feet ..... 10. Feeders - bus ducts, all underground conducts/circuits, etc. - per 50 feet ..... 11. Additional sub-panel, distribution centers, etc.* ..... 12. Motors, air conditioners, transformers: ..... Up to 20 HP or KVA* ..... 21 to 50 HP or KVA* ..... 51 HP/KVA and over* ..... 13. Fire Alarms: Up to 10 devices ..... 11 to 20 devices ..... Over 20 devices (each) ..... 14. Energy retrofit - temp controls ..... 15. Conduit only or grounding only ..... 16. Special/safety inspection (per hour) ..... 17. Additional inspection ..... 18. Final inspection ..... 19. Certification fee ..... 20. Plan review (per hour) ..... 21. License registration ..... * If a new circuit, it must be included in #3 ** Sub-panel fee is in addition to feeder in #10	50.00 30.00 35.00 40.00 45.00 60.00 9.00 20.00 10.00 10.00 10.00 15.00 30.00 20.00 30.00 15.00 20.00 30.00 35.00 40.00 60.00 120.00 8.00 55.00 55.00 55.00 50.00 50.00 25.00 60.00 30.00	
42-59	<b>Engineer's stakes - replacement of</b> Per stake (\$50/min. fee) .....	3.00	
38-47	<b>Garbage and trash collector's permit</b> Annual fee per vehicle ..... Transfer of existing license to another vehicle .....	40.00 15.00	50.00 20.00
30-33	<b>Lot splits or lot combinations</b>	120.00	
12-289	<b>Massage establishment license</b> Processing fee ..... Annual license fee .....	25.00 30.00	
12-290	<b>Massagist license</b> Processing fee ..... Annual license fee .....	25.00 15.00	
10-32	<b>Mechanical fees</b> Application fee (non-refundable) ..... Residential heating system (includes duct and pipe) ..... Gas/oil burning equipment - new and/or conversion units ..... Residential boiler (state boiler license required) ..... Water heater ..... Flue/vent damper ..... Solid fuel equipment (includes chimney) ..... Gas burning fireplace ..... Chimney, factory built - installed separately ..... Solar - set of three panels (includes piping) .....	50.00 55.00 35.00 35.00 10.00 10.00 35.00 35.00 30.00 25.00	

Chapter/ Section	Description	Current Fees	Proposed Changes
	Gas piping; each opening - new installation.....	10.00	
	Air conditioning (includes split systems) .....	35.00	
	Heat pumps; complete residential .....	35.00	
	Bath, kitchen and dryer exhaust .....	10.00	
	Tanks:		
	Aboveground .....	25.00	
	Underground .....	30.00	
	Humidifiers .....	15.00	
	Piping per foot (minimum \$30.00).....	0.10	
	Duct per foot (minimum \$30.00).....	0.15	
	Heat pumps; commercial (pipe not included).....	25.00	
	Air handlers/heat wheels:		
	Under 10,000 CFM.....	25.00	
	Over 10,000 CFM.....	65.00	
	Commercial hoods .....	20.00	
	Heat recovery units .....	15.00	
	V.A.V. boxes.....	15.00	
	Unit ventilators.....	15.00	
	Unit heaters (terminal units).....	20.00	
	Fire suppression/protection per head (minimum \$20.00) .....	1.00	
	Evaporator coils .....	35.00	
	Refrigeration (spilt system).....	35.00	
	Chiller .....	35.00	
	Cooling towers .....	35.00	
	Compressor .....	35.00	
	Special/safety inspection (includes certification fee) .....	55.00	
	Additional inspection .....	50.00	
	Final inspection .....	50.00	
	Certification fee.....	25.00	
	Plan review (per hour).....	60.00	
	License registration fee .....	15.00	
46-104	<b>Parking Violations Bureau</b> <u><b>Overtime parking:</b></u> Per ticket charge for the 1st, 2nd and 3rd parking ticket issued within a calendar year .....	5.00 20.00	
	<u><b>Handicapped parking:</b></u> Per violation in accordance with Act No. 51 of the Public Acts of Michigan of 1982 (MSL 257.907, MSA 49.2607).....	100.00	
	<u><b>Lease metered parking space (per violation)</b></u> .....	10.00	
	<u><b>Violation of any other parking regulation or restriction</b></u> .....	10.00	
	<u><b>Overdue ticket fines:</b></u> The base parking fine will double for any violator who receives a parking ticket and fails to pay the initial fine within the first ten (10) calendar days following date of issuance..... Per violation, additional administrative fine for failure to pay parking fine within 30 days after above.....	Double 25.00	
	<b>Note:</b> The City will maintain responsibility for penalties and administrative fees being assess for overdue ticket fines.		
12-346	<b>Pawnbroker's license</b> Annual fee .....	120.00	
12-383	<b>Peddler's license</b> First month, includes \$25 non-refundable processing fee .....	65.00 30.00 40.00 150.00 250.00	
	Subsequent months for up to one year..... Four-day license (one per calendar year), includes \$25 non-refundable processing fee.... Six-month license, includes \$25 non-refundable processing fee .....		
	Yearly permit, includes \$25 non-refundable processing fee.....		
10-32	<b>Plumbing fees</b> Application fee (non-refundable) .....	50.00 15.00 10.00 5.00 10.00	
	Mobile Home Park Site .....		
	Fixtures, floor drains, special drains, water connected appliances .....		
	Stacks (soil, waste, vent and conductor).....		
	Sewage ejectors, sumps.....		

Chapter/ Section	Description	Current Fees	Proposed Changes
	Sub-soil drains.....	10.00	
	Water Service:		
	Less than two inches (2").....	10.00	
	Two (2") to six (6") inches.....	30.00	
	Over six (6") inches.....	55.00	
	Connection building drain - building sewer.....	10.00	
	Sewers (sanitary, storm, or combined):		
	Less than six inches (6").....	10.00	
	Six inches (6") and over.....	30.00	
	Manholes, catch basins.....	10.00	
	Water distributing pipe (system):		
	Three-quarter inch (3/4") water distribution pipe.....	10.00	
	One inch (1") water distribution pipe.....	15.00	
	One and one-quarter inch (1-1/4") water distribution pipe.....	20.00	
	One and one-half inch (1-1/2") water distribution pipe.....	25.00	
	Two inch (2") water distribution pipe.....	30.00	
	Over two inch (2") water distribution pipe.....	35.00	
	Reduced pressure zone back-flow preventer.....	10.00	
	Special/safety inspection (includes certification fee).....	55.00	
	Additional inspection underground plumbing.....	50.00	
	Final inspection.....	50.00	
	Certification fee.....	25.00	
	Plan review (per hour).....	60.00	
	License registration fee.....	25.00	
<b>12-541</b>	<b>Precious metal and gem dealers</b>		
	Certificate of registration.....	60.00	
<b>12-502</b>	<b>Secondhand dealers</b>		
	Annual fee.....	60.00	
<b>12-383</b>	<b>Solicitor's license</b>		
	First month, includes \$25 non-refundable processing fee.....	65.00	
	Subsequent months for up to one year.....	30.00	
	Four-day license (one per calendar year), includes \$25 non-refundable processing fee....	40.00	
	Six-month license, includes \$25 non-refundable processing fee.....	150.00	
	Yearly permit, includes \$25 non-refundable processing fee.....	250.00	
<b>4-2</b>	<b>Special outdoor consumption license</b>		
	Application fee.....	No fee	
<b>42-4</b>	<b>Streets, sidewalks and other public places</b>		
	Street pavement breaking.....	120.00	
	Boring, jacking or tunneling.....	120.00	
	Street closure.....	60.00	
	Maintenance & repair of existing utilities.....	30.00	
	Utility lines, new construction or replacement (Per foot, \$50/min. or \$500/max).....	0.75	
	Residential driveway approach.....	20.00	
	Non-residential driveway approach.....	60.00	
	Sidewalk construction or replacement.....	20.00	
	Excavation in boulevard (commercial).....	35.00	
	Temporary closure.....	30.00	
	Miscellaneous permits.....	30.00	
	<b><u>Construction deposits:</u></b>		
	In addition to the non-refundable fees above, deposits to assure proper replacement and repair of the street surfaces shall be required as follows:		
	Pavement break or open cut (per square foot, \$500/min.).....	20.00	
	Boring, jacking and tunneling (per linear foot, \$500/min.).....	35.00	
	<b><u>Billable inspection charges:</u></b>		
	Inspector's wages, fringe benefits, vehicle and misc. equipment (one-hour minimum).....	Actual cost	
	<b><u>Penalty charge:</u></b>		
	The fee shall be double the above scheduled amounts if work is started prior to obtaining the required permit.....	Double	
<b>30-34</b>	<b>Subdivision regulations</b>		
	Fees and development charges.....	Actual cost	

Chapter/ Section	Description	Current Fees	Proposed Changes
12-806	<b>Tattoo establishment business license</b>		
	Initial annual license & investigation fee (includes background check and inspection of premises) .....	250.00	
	Annual Renewal .....	150.00	
	<b>Tattoo Individual Annual License</b>		
	Tattooist .....	50.00	
	Tattoo Apprentice (limited time of 12 months) .....	30.00	
	Body Piercer .....	40.00	
12-660	<b>Taxicab driver's license (a/k/a PV license)</b>		
	<b>Annual fee</b> .....	<b>30.00</b>	<b>35.00</b>
12-636	<b>Taxicab license</b>		
	Annual fee per vehicle .....	<b>30.00</b>	<b>35.00</b>
	Transfer of existing taxicab license to another vehicle .....	<b>15.00</b>	<b>20.00</b>
	Additional taxicabs placed into service during special events (per vehicle) .....	<b>15.00</b>	<b>20.00</b>
42-94	<b>Telecommunications permit</b>		
	One-time, non-refundable application fee .....	500.00	
12-383	<b>Transient merchant's license</b>		
	First month, includes \$25 non-refundable processing fee .....	75.00	
	Subsequent months .....	50.00	
	Additional sites (same applicant, same sale period) .....	35.00	
12-383	<b>Vendor license</b>		
	Annual license fee, which includes \$25 non-refundable processing fee .....	250.00	
48-154	<b>Water Department service charges</b>		
	<b><u>Annual hydrant charge</u></b>		
	Inside city .....	40.00	
	Outside city .....	60.00	
	<b><u>Meter reading charges</u></b>		
	Turn on .....	25.00	
	Turn off .....	25.00	
	Initial reading (without turn off or on) .....	20.00	
	Final reading (without turn off or on) .....	20.00	
	Turn on with initial read .....	35.00	
	Shut off with final read .....	35.00	
	Turn off, turn on, same day .....	40.00	
	Private use of hydrants		
	Connection .....	25.00	
Weekly use .....	25.00		
48-159	<b>Water meter testing</b>		
	Meter found to be accurate .....	75.00	
48-34	<b>Water system connections and meters, generally</b>		
	Deposit for water system connection charge (after installation, deposit will be deducted from actual time and material costs) .....	800.00	
52-105 and 52-128	<b>Zoning Board of Appeals Fees</b>		
	Variance request .....	200.00	
	Rezoning request .....	350.00	

**SCHEDULE OF USER-SPECIFIC FEES**

Description	Current Fees	Proposed Fees
<b>City Clerk's Office:</b>		
<b>IFT applications</b> .....	\$500.00	
<b>Liquor license applications:</b>		
On-premises and off-premises licenses (per application)*		
New, transfer or escrowed applications .....	New	<b>\$ 500.00</b>
Additions, deletions, revisions to an existing liquor license that requires additional investigation by the police department .....	New	<b>150.00</b>
Special 24-hour licenses .....	New	<b>25.00</b>
<b>Fire Department:</b>		
Meter leasing (per meter, per day) .....	3.00	



Description	Current Fees	Proposed Fees
<b>Planning Department:</b>		
<b>Applications:</b>		
Special approval use permit .....	150.00	
Vacation of alleys, easements and/or streets .....	200.00	
<b>Site plan review:</b>		
Single- and two-family residential .....	No charge	
Multi-family and/or commercial (less than two acres).....	200.00	
Multi-family and/or commercial (more than two acres) .....	300.00	
Recheck fee (additional site plan review due to corrections/revisions).....	100.00	
<b>Police Department:</b>		
PBT test.....	<b>New</b>	<b>10.00</b>

BE IT FURTHER RESOLVED that this schedule of fees is not intended to be an all-inclusive list of fees as certain fees are addressed by separate resolutions or by administrative regulations.

Motion adopted by the following vote:

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

**14-18. Councilmember Lewandowski** moved the adoption of Resolutions 14 - 18, seconded by Councilmember Harris:

**R-14.** WHEREAS, a request was received to vacate the following described City of Port Huron street right-of-way:

a parcel of land in the City Of Port Huron, St. Clair County Michigan, said parcel being a part of the McMorrان Boulevard (platted name Broad Street) shown and depicted on the "Butler Plat" which is recorded in Liber B of Plats, Page 16, St. Clair County Records and also a part of the McMorrان Boulevard (platted name Broad Street) shown and depicted on the map of the "Steam Mill Reserve", which is recorded in Liber A of Plats, Page 3, St. Clair County Records, said parcel particularly described as: *Beginning at the intersection of the southerly extension of the east line of Block 33 "Butler Plat" and the easterly extension of the south line of said Block 33 of said "Butler Plat"; thence S 03°22'55"E 100.00' along the southerly extension of said east line of Block 33 to the south line of McMorrان Boulevard (platted name Broad Street) as shown on the map of said "Steam Mill Reserve"; thence S86°32'50"W 283.69' along the extended north line of Block 34, "Butler Plat"; to its northwest corner; thence N42°09'28"W 128.15' to the southwest corner of Block 35, said "Butler Plat"; thence N86°32'50" E 363.95' to the point of beginning of this description;* and

WHEREAS, on January 3, 2012, 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; 1 nays; 2 absent; 1 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.

**R-15.** WHEREAS, a request was received to vacate the following described City of Port Huron street right-of-way:

a parcel of land in the City of Port Huron, St. Clair County, Michigan, said parcel being a part of the River Street right-of-way which lies between Blocks 35 and 42 and north of the south line of McMorrان Boulevard (platted name Broad Street) and depicted on the 'Butler Plat' which is recorded in Liber B of Plats, Page 16, St. Clair County records; said parcel particularly described as: *beginning at the northwest corner of Block 34 of said "Butler Plat"; thence S86°32'50"W 89.70' along the extended north line of said Block 34 to a point on the present southwest right-of-way line of River Street (70' wide); thence N42°09'28"W 291.13' along said right-of-way line to a point of a curve being concave to the northwest with a radius of 66.00' and a long chord which bears N49°53'28"E 70.04'; thence northeasterly 73.84' along the arc of said curve to a point on the northwesterly extension of the southwest line of Block 35 of said "Butler Plat"; thence S42°09'28"E 216.57' along said Block 35 to its southwest corner; thence extending S42°09'28"E 128.15' to the point of beginning of this description;* and

WHEREAS, on January 3, 2012, 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; 1 nays; 2 absent; 1 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.

**R-16.** WHEREAS, it is necessary to furnish certain information to the State of Michigan in accordance with Act 51, P. A. 1951 as amended to update the latest information in the City street system;

NOW, THEREFORE, BE IT RESOLVED the City of Port Huron does decertify a portion of McMorran Boulevard. This decertification of McMorran Boulevard is located between River Street and Erie Street for a total length of 399.1 feet.

**R-17.** WHEREAS, it is necessary to furnish certain information to the State of Michigan in accordance with Act 51, P. A. 1951 as amended to update the latest information in the City street system;

NOW, THEREFORE, BE IT RESOLVED the City of Port Huron does decertify a portion of River Street. This decertification of River Street is located between McMorran Boulevard and Willow for a total length of 245.4 feet.

**R-18.** WHEREAS, the City of Port Huron has an interest in the continued growth and success of the St. Clair County Community College (SC4) and in their desire to create an attractive and safe pedestrian area surrounding the college and the downtown area; and

WHEREAS, SC4 has undertaken investments to create a pedestrian plaza and campus entrance which necessitates vacating portions of McMorran Boulevard and River Street, provide easements, and maintain utility easements in order to maintain access to the campus and provide for public safety access; and

WHEREAS, The City and SC4 wish to enter into a Development Agreement which establish the obligations of both parties with respect to the development of the pedestrian plaza and campus entrance;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the Development Agreement between the City of Port Huron and St. Clair County Community College regarding the development of portions of McMorran Boulevard and River Street and authorizes the appropriate City officials to execute the attached agreement (see City Clerk File #12-14).

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Cole, Harris and Ruiz.  
 No: Councilmember Lewandowski.  
 Abstained: Councilmember Moeller\*  
 Absent: None.

\*NOTE: On the advice of Corporation Counsel, Councilmember Moeller abstained from voting due to a potential conflict of interest as he is an employee of the college.

**MOTIONS & MISCELLANEOUS BUSINESS**

**1. Mayor Repp** announced that a Special Meeting will be held on Monday, January 30, 2012, beginning with a closed session at 6:30 p.m. and open to the public at approximately 7:00 p.m. in Room 408 to discuss the upcoming 2012-2013 budget.

On motion (7:45 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, January 30, 2012, 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, Cole, Harris, Lewandowski and Ruiz.

Absent: Councilmember Moeller.

**CLOSED SESSION**

1. **Councilmember Harris** moved to enter into a closed session for the purpose of reviewing a written opinion with legal counsel, seconded by Councilmember Archibald:

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Cole, Harris, Lewandowski and Ruiz.

No: None.

Absent: Councilmember Moeller.

On motion (6:50 p.m.) Council adjourned into the special meeting session. To provide an opportunity for the public to enter the room, the special meeting session started at 7:00 p.m.

**PUBLIC COMMENT**

No one spoke.

**DISCUSSION ITEMS**

1. Julie Davis, Human Resources Director, commented that the City has been working with Brown & Brown Insurance (formerly known as PEBS), as our agent of record, to review the City's health care costs and to review possible changes to retiree health care. Angela Garner and Dan Skiver from Brown & Brown explained proposed changes to the retiree health care plans that could help with controlling increasing costs. See City Clerk File #12-15 for a copy of their presentation.

2. Bruce Brown, City Manager, outlined the calendar for the proposed budget. After the budget requests by the various departments are reviewed, a March budget session will be scheduled to give Council another opportunity to discuss budget issues prior to the printing and distribution of a proposed budget.

3. John Ogden, Director of Finance, highlighted the following current and future financial situations:

Current budget - Revenues and property taxes are close to the adopted budget, revenue sharing should be higher, expenditures overall appear to be under budget, except for the police department due to overtime and operations which may have been estimated too low.

Upcoming budget - A deficit is anticipated between the General Fund expenditures and revenues, but it is difficult to estimate at this time. Much will depend on the State and whether they reduce revenue sharing or eliminate or reduce personal property taxes, which are the unknowns with the biggest potential impact. In addition to the General Fund, there are a number of other funds that are also going to be challenges. Below are some of the concerns mentioned, many of which continue to place a strain on subsidies to the Wastewater and Water funds:

- *Water and Wastewater Funds* - Operating expenses are being controlled and should be less than budgeted. Revenues are above, although water plan production in December declined. Debt service is continuing to grow and revenues will need to grow to meet the total costs of the two funds. The current subsidies will either continue to decline gradually or they will end abruptly as all the other funding sources are depleted. If that happens, it would require what could be a doubling of rates. It will take continuing smaller rate increases to avoid the huge rate increase.
- *Rubbish and Solid Waste Fund* - The fund is operating at a deficit and is being funded by surplus amounts. Reductions in services and/or costs are being reviewed.
- *Parking and Marina Funds* - Annual subsidies continue to be necessary.
- *Tax Increment Funds/Land Purchase Fund* - With declining taxable values, captured taxes are also declining. As a result, repayments to the land purchase fund have decreased, resulting in fewer funds available for subsidies to other funds, primarily the water and wastewater funds.
- *Rental Certification Fund* - Operational expenses have increased significantly due to increased frequency of inspections. Annual fees will need to be increased to operate this fund on a break-even basis, as required.
- *Motor Vehicle Pool Fund* - Past years' rental rates were reduced or held flat to reduce costs in other funds, including the General Fund. Projected revenues will not be sufficient for operating expenses and capital needs. Rates will need to be increased; however, rates continue to be lower than published State rates.
- *McMorran* - An increase in the support for McMorran is anticipated to eliminate their deficit this year and next year. A deficit for McMorran could impede the City's future ability to borrow.
- *General Fund* - Areas of concern for next year's budget include:
  - Real property tax revenues are expected to decline by 10%, approximately \$600,000, but will be dependent upon appeals, commercial property changes and the inflation adjustment.
  - Personal property tax revenue is a little over \$1 million. It is not clear if or what the State is going to propose as a change to personal property taxes.
  - Statutory revenue sharing is approximately \$900,000 and there is no indication yet by the Governor what might happen for next year.
  - Interest income is expected to remain low. Other than long term CD's, earnings continue to be under 1/2%.

- The healthcare benefit cost reduction goal of \$900,000 has not been attained in the current budget, but it is close. There is room for further reductions for both current employees and retirees without significantly impacting the participants. The goal is to reduce overall costs by changing behavior. Without further reductions, the benefit percentage could increase.
  - Step increases approved in the police and fire contracts will cause an increase in wage costs. In addition, the current police budget is too low and it appears that expenses will exceed the budget, particularly in patrol and detectives. Further reductions will be difficult in this budget, especially given that the grant for two police patrol positions will expire in June. The Chief is checking to see if the grants can be extended as we have not expended the total amounts awarded.
  - The DDA fund balance is almost exhausted and the various downtown activities (Downtown PH, BW Fest, Offshore races, etc.) in aggregate will cost more than the annual available revenues.
- Planning and community development costs will increase in the General Fund due to increases in activities related to demolitions and blight. Reductions in federal funding levels will also cause administrative allocations to be taken from General Fund dollars.
  - Blight and demolitions are significantly higher than in prior years with reimbursement rarely being received from property owners. This will continue to impact budgeted expenditures.
  - The Museum continues to receive support from the City primarily for the Carnegie Building in the form of utilities, insurance, repairs and maintenance.
4. Some of the other items brought up for discussion by Council included the number of CSO projects remaining (Nern Street and the Blue Water Bridge area), the need for a list of all City-owned buildings and parking lots. The City Manager also mentioned that consolidation and privatizing City services are continuing to be researched. In addition, a robotics plant will be relocating from Auburn Hills to the City's Industrial Park in the near future.

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, February 13, 2012, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.**

The meeting was called to order by Mayor Repp.

Present: Mayor Repp; Councilmembers Archibald, Cole, Harris, Lewandowski, Moeller and Ruiz.

The minutes of the regular meeting of January 23, 2012, and the special meeting of January 30, 2012, were approved.

**AT THIS POINT**, Councilmember Moeller moved to add an additional resolution pertaining to the Thomas Edison Convention Center project, seconded by Councilmember Harris.

Motion *rejected* by the following vote:

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

**PUBLIC HEARINGS**

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

No one appeared to be heard.

**2. The Mayor** announced that this was the time to hear comments on the proposed 2012 Annual Action Plan including CDBG and HOME funds.

Sarah Prout, Executive Director of Safe Horizons, distributed a copy of their funding request for \$17,500 to assist with providing case management services at the Pathway Shelter, along with a one-time \$5,000 funding request to assist with necessary rehabilitation repairs at the shelter. (See City Clerk File #12-16 for a copy of the request.)

Councilmember Ken Harris commented that he would like to have \$10,000 transferred from the housing façade rehabilitation grants and \$9,744 taken from the exterior paint grants and apply these dollars to the elderly/owner-occupied emergency home repair grant fund.

**3. The Mayor** announced that this was the time to hear comments on a proposed increase in Rental Certification Annual Operating Fees.

No one appeared to be heard.

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

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

WHEREAS, on January 10, 2011, Ordinance #1 was adopted by City Council revising the inspection cycle for registered rental dwellings from six (6) years to two (2) years; and

WHEREAS, the Rental Certification program operates on a "break even" basis and a recent audit of the program revealed an operating deficit;

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

Administrative late fee on unpaid balance of annual operating fees ..... 10.0%

Annual Operating Fees:

1-20 Units ..... \$ 43.00/per unit  
 21+ Units..... 37.00/per unit  
 Deposit for new rental property..... 500.00  
 Failure to correct final violation notice ..... 500.00

Penalties:

Re-inspection (due to non-compliance or no-show)..... 100.00  
 Notice of Final Violation..... 250.00

Rental Housing Board of Appeals application ..... 100.00  
 Rental Registration (new or transfer of ownership)..... 10.00

Motion adopted by the following vote:

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

**PUBLIC COMMENT**

**1.** Margaret Enright commented that rental fees should be based on a sliding scale with landlords that have problem rental units paying more. She also commented that individuals staying at homeless shelters should give back to the shelter by helping them with necessary upkeep.

**2.** Larry Jones provided a list of 80 individuals who have signed a letter thanking the Mayor, City Council and City Manager for their hard work and dedication to the City and encouraged the community to become educated about the issues facing Port Huron.

**3.** Dave Montross encouraged the City Council to approve the request for a plaque in Heritage Park on the Quay for former McMorrان Place Manager Morris Snider who passed away one year ago.

**4.** Steven Tunney, Director of the ARC of St. Clair County, expressed support for the bus terminal on Superior Street and McMorrان Boulevard stating that this location would be beneficial to the ARC clients who use this public transportation.

5. David Ellingwood commented in support of the bus terminal and stated that a centralized location would benefit and provide accessibility for the disabled community and seniors.

### CONSENT AGENDA

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

### FROM THE CITY MANAGER

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

On January 26, 2012, the City of Port Huron received five (5) bids for the purchase and installation of a sweep drive mechanism for clarifier #3 at the Wastewater Treatment Plant:

Franklin Holwerda Company (Wyoming, MI)	\$179,500.00
Process Piping & Equipment, Inc. (Milford, MI)	\$238,200.00
Titus Welding Company, Inc. (Farmington Hills, MI)	\$238,240.00
T. H. Eifert (Lansing, MI)	\$250,000.00
O'Laughlin Construction Company (Brighton, MI)	\$278,000.00

It is recommended that the bid of Franklin Holwerda Company, 2509 29<sup>th</sup> Street, SW, Wyoming, Michigan 49509 in the amount of One Hundred Seventy-Nine Thousand Five Hundred and 00/100 Dollars (\$179,500.00) 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, Cole, Harris, Lewandowski and Ruiz.  
No: Councilmember Moeller.  
Absent: None.

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

On January 26, 2012, the City of Port Huron received seven (7) bids for replacement of a raw sewage pump at the Wastewater Treatment Plant:

Z Contractors, Inc. (Shelby Township, MI)	\$285,767.00
Trojan Development Company, Inc. (Oxford, MI)	\$293,500.00
Raymond Excavating Company (Marysville, MI)	\$296,500.00
Franklin Holwerda Company (Wyoming, MI)	\$299,800.00
Process Piping & Equipment, Inc. (Milford, MI)	\$316,000.00
Macomb Mechanical, Inc. (Sterling Heights, MI)	\$322,000.00
O'Laughlin Construction Company (Brighton, MI)	\$356,000.00

It is recommended that the bid of Z Contractors, Inc., 50500 Design Lane, Shelby Township, Michigan 48315, in the amount of Two Hundred Eighty-Five Thousand Seven Hundred Sixty-Seven and 00/100 Dollars (\$285,767.00) 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, Cole, Harris, Lewandowski and Ruiz.  
No: Councilmember Moeller.  
Absent: None.

**CM-3. Councilmember Archibald** moved to receive and file the following report, seconded by Councilmember Lewandowski:

In accordance with Section 6-9 of the City Charter, there is submitted herewith a Quarterly Financial Report of the City of Port Huron for the six month period ending December 31, 2011. (See City Clerk File # 12-17).

Motion adopted unanimously.

### RESOLUTIONS

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

BE IT RESOLVED that the Finance Director is hereby authorized to pay the attached payments. (See City Clerk File #12-01)

Motion adopted unanimously.

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Manager's Downtown Development Authority reappointments of Laurie Charron and Thomas Barrett for terms to expire February 9, 2016, are hereby approved and confirmed.

Motion adopted by the following vote:

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

**\*R-3.** WHEREAS, on December 12, 2011, the City Council adopted a resolution scheduling an election for May 8, 2012, to place a proposal on the ballot which would seek voter approval on the sale, long-term lease or option to sell the property known as the West Quay Street parking lot for mixed use development by a private developer, while retaining City ownership of the seawall and walkway along the Black River for use and access by the public; and

WHEREAS, it has been determined that it would be appropriate to delay seeking voter approval on this ballot proposal until the August 7, 2012, election in order to reduce the City's election costs;

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby direct the City Clerk to make all necessary arrangements in accordance with the law for the placement on the ballot at the August 7, 2012, election the following question:

**PROPOSITION NO. 1**

“Shall the City of Port Huron be authorized to sell, long-term lease or option to sell the property known as the West Quay Street parking lot to a qualified developer, as determined by the Port Huron City Council, keeping City ownership of the seawall and walkway along the Black River for use and access by the public?”

BE IT FURTHER RESOLVED that the City Clerk is authorized to remove the previously approved ballot proposal from the May 8, 2012, election.

Adopted by consent.

**\*R-4.** 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	Code Violations
11-036	942 Howard Street	Lot 9 except south 50 feet, Block 109, White Plat	Building, Electrical, Mechanical and Plumbing
11-040	2035 Seventh Street	South 43.32 feet Lot 20, Block 2, Bancroft's Addition	Building, Electrical, Mechanical and Plumbing
11-041	513 - 14th Street	Lots 2 and N Calhoun and Percival's Plat	Building, Electrical, Mechanical and Plumbing
11-042	1037 Cedar St Garage only	Lot 9, Block 5, except north 46 feet Sanborn's Tenth Street Plat	Building
11-046	2922 Little Street	Lot 39, Assessor's Vanness and Moak Plat No. 2, including north one-half vacated alley adjacent	Building, Electrical, Mechanical and Plumbing
11-049	2603 Stone Street	Lots 16 and 17,1 Atkinson and Sinclair's Subdivision of Lot 6 of the McNeil Tract in the Village of Fort Gratiot	Building, Electrical, Mechanical and Plumbing

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 February 27, 2012, 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 accordance with the City's Rules of Procedure and the notice shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Chapter 10, §10-211, and Chapter 34, §34-3, Code of Ordinances of the City of Port Huron.

Adopted by consent.

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

WHEREAS, the Port Huron City Council in 2006 designated the area at the southwest corner of Quay Street and Huron Avenue as "Heritage Park on the Quay" and also adopted a process for plaques to be installed along the walkway walls in the park to honor someone in one of these categories:

- Deceased citizens who have been community benefactors or civic leaders;
- Deceased historical figures or events from or in Port Huron; and
- Community heritage;

WHEREAS, plaques placed in the park are purchased and installed through the City's Parks Department with the cost of purchasing the plaque and any dedication ceremony being paid for entirely with private donations; and



WHEREAS, if an individual or group desires to have a plaque placed in the park in honor of a citizen, the first step in the process is that City Council must consider and recommend approval to the request; and

WHEREAS, a request for City Council consideration has been received for a plaque in recognition of Morris Snider (see City Clerk File #12-18);

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby approves the request to have a plaque installed in Heritage Park on the Quay for Morris Snider, with all funds being raised by private donations for the purchase of the plaque and any dedication ceremony that may be subsequently planned.

Motion adopted unanimously.

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

WHEREAS, it is necessary to perform professional engineering design and construction inspection services for the replacement of the clarifier drive and the raw sewage pump at the Wastewater Treatment Plant; and

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

WHEREAS, there has been prepared an agreement between the City of Port Huron and Tetra Tech of Michigan PC for professional engineering services for this State Revolving low interest loan project; and

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Tetra Tech of Michigan PC for professional engineering services for the replacement of the clarifier drive and the raw sewage pump at the Wastewater Treatment Plant and authorizes the appropriate City officials to execute the agreement (see City Clerk File #12-19).

Motion adopted by the following vote:

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

**\*R-7.** WHEREAS, the Blue Water Area Transportation Commission is composed of two (2) local units of government, to wit: City of Port Huron and Charter Township of Fort Gratiot, and said Commission has been operating a transit system within the Blue Water Area since 1976; and

WHEREAS, the said two (2) local units of government have agreed by the Restated Inter-local Agreement to place the issue of continuance of the said public transportation system for four (4) additional years of operation on the ballot for a vote of the people in the form of a four (4) year millage; and

WHEREAS, the Blue Water Area Transportation Commission by resolution adopted January 16, 2012 has requested that each of said two (2) local units of government call a special millage election for May 8, 2012 to place on the ballot for voters approval up to 0.6214 mills for each of four (4) taxable years to expire in 2016 to obtain the local share of operating revenues to support the continued operation of the transportation system from July 1, 2012 through June 30, 2016.

NOW, THEREFORE, BE IT RESOLVED that:

1. At a special election which is hereby called to be held at the regularly designed voting places in the City of Port Huron on May 8, 2012 between the hours of 7:00 a.m. and 8:00 p.m., Prevailing Local time, the following millage proposition shall be submitted to the electors:

**RENEWAL OF BLUE WATER AREA  
TRANSPORTATION MILLAGE**

*Shall the limitation on the total amount of all taxes which may be assessed against all real and personal taxable property in the City of Port Huron, St. Clair County, Michigan, be increased up to 0.6214 mills of the taxable valuation (62.14 cents per \$1,000 of state taxable value) as finally equalized for each of the next four (4) years, to expire in 2016, for the purpose of providing funds estimated to be \$420,000 for the first year of levy, for the City of Port Huron's share of the operation of the Blue Water Area Transportation Commission for the period of July 1, 2012 through June 30, 2016?*

This is a renewal of a 2008 millage passed for the same purpose.

2. That the City Clerk for the City of Port Huron timely comply with the notices, postings and publications for voter registration for this election as well as timely publication of the ELECTION NOTICE as required by Michigan Election Law Statutes MCL 168.498 and MCL 168.653a, respectively.

3. 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-8.** 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 \$126.48 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 #12-20).

Adopted by consent.

**\*R-9.** WHEREAS, a request was received to vacate the following described City of Port Huron street right-of-way:

*the west 33 feet of Ontario Street abutting Lots 6 and 7, Block 1, Steam Mill Reserve, and the east 33 feet of Ontario Street abutting Lots 4, 14, 15, and 16, Block 25, Butler Plat, in the block bound by McMorran Boulevard, Superior Street, Grand River Avenue, and Erie Street, City of Port Huron, St. Clair County, Michigan; and*

WHEREAS, on February 7, 2012, 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-10. Councilmember Moeller** moved the adoption of the following resolution, seconded by Councilmember Ruiz:

WHEREAS, a request has been received for a special use permit to operate a used car dealership in a C-1 (General Business) zoning district at 510 - 24th Street; and

WHEREAS, on February 7, 2012, 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 for a used car dealership at 510 - 24th Street, City of Port Huron.

Motion adopted unanimously.

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

WHEREAS, a request has been received for a historic designation special use permit to allow a four-unit residential structure in an R-1 (Single- and Two-Family Residential) zoning district at 1422 Lyon Street; and

WHEREAS, on February 7, 2012, 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 historic designation special use permit to allow a four-unit residential structure at 1422 Lyon Street.

Motion adopted unanimously.

**\*R-12.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for removal of noxious weeds or unlawful growths or blighting factors; and

WHEREAS, the costs for removing noxious weeds or unlawful growths or blighting factors shall be assessed to the property owners pursuant to Chapter 22, Sections 22-83 and 22-108, City of Port Huron Code of Ordinances; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot assessments totaling \$1,864.67 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 #12-21).

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 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 716 - 17TH STREET FROM A C-1 (GENERAL BUSINESS) ZONING DISTRICT TO AN A-1 (MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL) ZONING DISTRICT.

Motion adopted unanimously and ordinance given its first reading.

**MOTIONS & MISCELLANEOUS BUSINESS**

**1. Mayor Repp** announced details about the water meter replacement project scheduled to begin on February 14 and welcomed the Patriots to the area and encouraged the community to support this football team.

On motion (7:40 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, February 27, 2012, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.**

The meeting was called to order by Mayor Repp.

Present: Mayor Repp; Councilmembers Archibald, Cole, Harris, Lewandowski, Moeller and Ruiz.

The minutes of the regular meeting of February 13, 2012, were approved.

**PRESENTATIONS**

1. Chief Robert Eick updated the City Council on the progress that has been made with the City of Marysville concerning the collaboration of their fire departments. He mentioned that each community would continue to own their own assets, employees would remain under the employment of each City and that cost savings would be realized through reductions in administrative and clerical positions, along with the combined organizations operating together. See Resolution # 8 for City Council action.

NOTE: Prior to the above item, Chief Eick mentioned that the Port Huron Fire Department held a fundraiser for Fire Fighter Kevin Anderson to assist him with paying for medical expenses for his cancer treatments. The event raised over \$11,000 and was spearheaded by April Fuller.

2. Jim Relken announced the collaborative effort he is organizing for the "Port Huron Cemeteries Clean Sweep" project on May 5-6, 2012. The project will be an annual event to clean debris, leaves and fallen tree branches from the grounds of Lakeside Cemetery, St. Clair County Allied Veterans Memorial Cemetery and Mount Hope Cemetery. Special thanks were expressed to John and Ann Kendrick from Pollock-Randall & Marysville Funeral Homes and Karrer Simpson Funeral Home for their generous donation to this event, as well as several City staff members for their assistance.

**PUBLIC HEARINGS**

1. **The Mayor** announced that this was the time to hear comments on Code Case #11-036, 942 Howard Street, to determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211, and Chapter 34, Section 34-3, of the Port Huron City Code.

Kim Harmer, Planning Director, gave a brief history and overview of the property conditions and stated the property is under foreclosure and qualifies for a demolition grant.

Ray Scodeller, attorney for Wells Fargo Bank, commented that the title to the property will pass to the bank on March 1 and requested that the City work with them as this code case proceeds.

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

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as *Lot 9 except south 50 feet, Block 109, White Plat*, also known as *942 Howard Street*, has been brought to the attention of the City Council by the Building Official as *Code Case #11-036* claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #12-22); 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 February 13, 2012, 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 #11-040, 2035 Seventh 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 stated the home has been vacant for some time.

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

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as *South 43.32 Feet Lot 20, Block 2, Bancroft's Addition*, also known as *2035 Seventh Street* has been brought to the attention of the City Council by the Building Official as *Code Case #11-040* claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #12-23); 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 February 13, 2012, with respect to said property, it is the judgment of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, §10-211 and Chapter 34, §34-3 of the Port Huron Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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

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

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

Motion adopted unanimously.

**3. The Mayor** announced that this was the time to hear comments on Code Case #11-041, 513 14<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 stated that Chase Bank has been in contact with the City regarding the redemption period.

**The Mayor** declared the hearing closed and **Councilmember Harris** 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 *Lots 3 and North Calhoun and Percival's Plat* also known as *513 - 14th Street* has been brought to the attention of the City Council by the Building Official as *Code Case 11-041*, claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #12-24); 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 February 13, 2012, with respect to said property, it is the judgment of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, §10-211 and Chapter 34, §34-3 of the Port Huron Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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

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

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

Motion adopted unanimously.

**4. The Mayor** announced that this was the time to hear comments on Code Case #11-042, 1037 Cedar Street – garage only, 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 condition of the garage.

**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 9, Block 5, except north 46 Feet, Sanborn's Tenth Street Plat*, also known as *1037 Cedar Street - GARAGE ONLY* has been brought to the attention of the City Council by the Building Official as *Code Case #11-042* claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #12-25); 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 February 13, 2012, with respect to said property, it is the judgment of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, §10-211 and Chapter 34, §34-3 of the Port Huron Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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

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

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

Motion adopted unanimously.

5. **The Mayor** announced that this was the time to hear comments on Code Case #11-046, 2922 Little 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.

Marian Sullivan, daughter of the deceased owner, stated that she is working through the Probate Court system and requested additional time to either fix the violations or to continue working with Probate regarding ownership of the home. She did state that the house does not have significant value to her at this point and that she does not believe the home can be sufficiently repaired.

**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 39, Assessor's Vanness and Moak Plat No. 2, including north one-half vacated alley adjacent*, also known as *2922 Little Street*, has been brought to the attention of the City Council by the Building Official as *Code Case #11-046* claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #12-26); 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 February 13, 2012, with respect to said property, it is the judgment of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, §10-211 and Chapter 34, §34-3 of the Port Huron Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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

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

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

Motion adopted unanimously.

6. **The Mayor** announced that this was the time to hear comments on Code Case #11-049, 2603 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 Archibald** moved the adoption of the following resolution, seconded by Councilmember Lewandowski:

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as *Lots 16 and 17, Atkinson and Sinclair's Subdivision of Lot 6 of the McNeil Tract in the Village of Fort Gratiot*, also known as *2603 Stone Street* has been brought to the attention of the City Council by the Building Official as *Code Case #11-049* claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #12-27); 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 February 13, 2012, 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 Domtar Industries, Inc., 1700 Washington Avenue, for an Industrial Facilities Exemption Certificate for six years on personal property.

Jennifer Elsner, on behalf of Domtar Industries and the new General Manager Rick Vannan, commented that the equipment purchase will assist the company with maintaining current business and that no additional jobs will be added; however, no jobs will be eliminated either.

Anthony America, Port Huron, opposed giving the company a tax break.

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

WHEREAS, pursuant to PA 198 of 1974, as amended, the Port Huron City Council by resolution established an Industrial Development District for 1700 Washington Street after a duly noticed public hearing was held on January 24, 1977, November 25, 1991, and December 14, 1992; and

WHEREAS, Domtar Industries, Inc., 1700 Washington Avenue, has filed an application for an Industrial Facilities Exemption Certificate with respect to new machinery and equipment; and

WHEREAS, before acting on said application, the Port Huron City Council held a public hearing on February 27, 2012, at the Municipal Office Center, 100 McMorrin Boulevard, Port Huron, Michigan, in the Public Meeting Room, at 7:00 p.m., at which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, installation of new machinery and equipment had not begun earlier than six (6) months before February 14, 2012, the date of acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will, at the time of issuance of the certificate, have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Port Huron; and

WHEREAS, the aggregate SEV of real and personal property exemption from ad valorem taxes within the City of Port Huron, after granting this certificate will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under PA 198 of 1974, as amended and PA 225 of 1978, as amended, shall not have the effect of substantially impeding the operation of the City of Port Huron, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Port Huron; and

BE IT FURTHER RESOLVED that the application from Domtar Industries, Inc., for an Industrial Facilities Exemption Certificate, with respect to the installation of new machinery and equipment on the following described parcel of real property situation within the Industrial Development District, to wit, be the same is hereby approved:

LOT 1, OUTSTANDING LOT B SUBDIVISION OF THE FORT GRATIOT MILITARY RESERVATION; ALSO ALL THAT PART OF SEC 3 LYING BETW BLACK RIVER & SAID LOT 1 & NWLY OF A LINE 53.29 FT NWLY OF & PARALLEL TO CL OF MAIN TRACK OF G.T.W.R.R. R/W SEC 3; AND LOTS 1 & 2 EX E 575.5 FT OUTSTANDING LOT G INCLUDING VAC SEDGWICK STREET ADJACENT & VAC WASHINGTON AVE EX N 1/2 OF E 575.5 FT THEREOF, LYING BETWEEN WLY LINE 12TH AVE & THE G.T.R.R. R.O.W. TO THE EAST & BLACK RIVER TO THE WEST, SUBDIVISION OF THE FORT GRATIOT MILITARY RESERVATION OWNED & OCCUPIED AS ONE PARCEL.

BE IT FURTHER RESOLVED that the Industrial Facilities Exemption Certificate, when issued, shall be and remain in force for a period of six (6) years for personal property; and

BE IT FURTHER RESOLVED that the appropriate City officials are hereby authorized to sign the necessary documents and agreements and to forward the application to the State Tax Commission.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Cole, Harris, Lewandowski and Ruiz.

No: Councilmember Moeller.

Absent: None.

**PUBLIC COMMENT**

1. The following four (4) individuals commented in support of Resolution #1 requesting the County Board of Commissioners to call for a referendum vote on the issuance of bonds for the Thomas Edison Inn Convention Center project: Margaret Enright, Kathleen McCready, Trina Avedisian and Angela Kelley.
2. The following five (5) individuals commented in support of the Option A proposal in the McMorran Lot for the bus terminal center: David Ellingwood, Bea Castillo, Lewis Martin, Phyllis Magbanua and Wayne LePiors.
3. The following two (2) individuals expressed concern with the current proposal for the bus terminal center eliminating parking spaces in the downtown area: Larry Jones and Joe Belcher.
4. Mike Bodeis commented that the increase to rental inspection fees previously adopted at the February 13 meeting should be pro-rated and asked for consideration in changing the inspection schedule for rental units to four years and focus on the landlords that are not taking care of their units.
5. Jerry Trumble, Cedar Street, commented about excessive demands by the City for sidewalk replacements at rental homes he owns in the City.
6. Anthony America commented about prayer prior to the meeting, development of property owned by Acheson and the lack of progress on the former Water Street 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.

**COMMUNICATIONS & PETITIONS**

\***C-1.** Letter from Blue Water Center for Independent Living in support of Option A for the Blue Water Area Transit bus terminal center proposal.

Received and filed by consent.

\***C-2.** Letter from Wayne LePiors and the Blue Water League for the Blind and Visually Impaired in support of the Blue Water Area Transit bus terminal center proposal.

Received and filed by consent.

**FROM THE CITY MANAGER**

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

As of February 6, 2012, the City of Port Huron received three (3) proposals for a street legal equipped Honda Big Red Multipurpose Utility Vehicle to be used primarily for special events and waterfront patrols:

Grace Performance (Kimball, Michigan)	\$13,740.67
Peak Powersports (Lenox, Michigan)	\$14,709.54
Lapeer Honda (Lapeer, Michigan)	\$14,748.19

It is recommended that the proposal from Grace Performance, 2203 Wadhams Road, Kimball, Michigan, 48074, in the amount of Thirteen Thousand Seven Hundred Forty and 67/100 Dollars (\$13,740.67) be accepted, with funding being used from the Operation Stone Garden grant funds, and that the appropriate City officials are hereby authorized to execute the necessary documents.

Motion adopted unanimously.

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

On February 16, 2012, the City of Port Huron received two (2) unit price bids for the 2012 Annual Sidewalk contract. Based on estimated annual quantities, the following is a comparative summary of the bids received:

McKenzie Concrete, Inc. (North Street, MI)	\$ 93,888.75
Connin Cement (Marine City, MI)	\$ 96,183.50

It is recommended that the bid of McKenzie Concrete, Inc., 4080 Vincent Road, North Street, Michigan 48049, in the estimated amount of Ninety-Three Thousand Eight Hundred Eighty-Eight and 75/100 Dollars (\$93,888.75) 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, Cole, Harris, Lewandowski and Ruiz.  
 No: Councilmember Moeller.  
 Absent: None.

**RESOLUTIONS**

**R-1. Councilmember Moeller** moved the adoption of the following resolution, which was submitted by Councilmember Moeller, seconded by Councilmember Harris:

WHEREAS, the Thomas Edison Inn Convention Center will require the issuance of a \$9 million bond to be repaid with installments exceeding \$500,000 annually and with the liability for operating losses to be paid by St. Clair County;

NOW, THEREFORE BE IT RESOLVED that the Port Huron City Council does hereby request that the St. Clair County Board of Commissioners call for a referendum vote in order to seek approval from the citizens and taxpayers of St. Clair County.

Motion *rejected* by the following vote:

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

\***R-2.** WHEREAS, on January 9, 2012, 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:

**Enigma & Rum & Whisky Runnerz**, 400 Quay Street,  
Class C/SDM  
Income tax reporting/payments

**Military Street Music Café**, 1102 Military St., Class  
C/SDM  
Property taxes, \$2,813.85, plus additional penalty, if  
any

WHEREAS, on February 13, 2012, 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, 2012:

1. Certified copy of resolutions adopted January 9, 2012, and February 27, 2012, concerning aforementioned license;
2. Certified copy of notice to licensee;
3. Certified copy of notice published in the *Times Herald*.

Adopted by consent.

**R-3. Councilmember Lewandowski** moved the adoption of the following resolution, which was requested by Mayor Repp, seconded by Councilmember Cole:

WHEREAS, the City Council recently appointed members to the McMorran Civic Center Authority, each for a term to expire June 30, 2012; and

WHEREAS, it is the desire of the City Council to receive regular updates on their progress; and

WHEREAS, the City Council has a commitment to McMorran and wants to see it continue to operate and be an economic and entertainment focus in our downtown; and

WHEREAS, it is important that the McMorran Civic Center Authority, in addition to overseeing the day-to-day operations, develop a strategic plan for its future operation and needed capital improvements;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby directs the McMorran Civic Center Authority to develop a strategic plan for McMorran and present it to City Council no later than May 1, 2013; and

BE IT FURTHER RESOLVED that a joint meeting between the City Council and the McMorran Civic Center Authority be scheduled within the next 45 days to discuss a plan of action to accomplish the long-term goal of a strategic plan; and

BE IT FURTHER RESOLVED that City Council be given updates on the McMorran Civic Center Authority's progress on an every other month basis following this scheduled meeting.

Motion adopted unanimously.

**\*R-4.** 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, Donna Kelly and Darcy Macke, have expired and they wish to be reappointed;

NOW, THEREFORE, BE IT RESOLVED that Donna Kelly and Darcy Macke are hereby reappointed to the Beautification Commission for three-year terms to expire January 30, 2015.

Adopted by consent.

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

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 2003B, dated November 1, 2003, in the original principal amount of \$5,500,000 of which \$4,000,000 presently remains outstanding (the "Prior Bonds"); and

WHEREAS, in order to achieve savings on the City's current 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 Four Million Dollars (\$4,000,000) and issue its refunding bonds therefor (the "Bonds"); and

WHEREAS, the City has received a proposal from Robert W. Baird & Co. to purchase the Bonds pursuant to a negotiated sale.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Authorization of Refunding Bonds; Bond Terms. Bonds of the City designated *2012 Sewer Refunding Bonds (Limited Tax General Obligation)* (the "Bonds") are authorized to be issued in the aggregate principal sum of not to exceed Four Million Dollars (\$4,000,000) 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), mature annually on April 1 in the years 2013 to 2023, inclusive (or such other dates 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, provided that any redemption premium shall not exceed three percent (3%).

The Bonds shall bear interest at a rate or rates to be determined at the time of sale thereof but not to exceed five percent (5.00%), payable on October 1, 2012 (or such other date as determined based upon market conditions 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 2012 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 fiscal year 2012-13, 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 therefor 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; Escrow. 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 2012 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. Bond Form. 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**  
  
**2012 SEWER REFUNDING BOND**  
**(LIMITED TAX GENERAL OBLIGATION)**

	Date of		
<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Original Issue</u>	<u>CUSIP</u>
Registered Owner:	_____, 20__	____, 2012	_____
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 October 1, 2012, 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 2003B, dated November 1, 2003. [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.

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

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

DATE OF REGISTRATION:

[Insert form of assignment]

**7. Tax Covenant; Qualified Tax-Exempt Obligations.**

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. The City hereby designates the Bonds as "qualified tax exempt obligations" for purposes of deduction of interest expense by financial institutions pursuant to the Code.

**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. Bond Purchase Agreement; Bond Sale; Award.** Either Authorized Officer (hereinafter defined) is authorized to negotiate the sale of the Bonds with Robert W. Baird & Co. as managing underwriter (the "Underwriter") and execute a bond purchase agreement with the Underwriter as recommended by the City's Registered Municipal Advisor, and further to execute a sale order in respect of the Bonds and take all other necessary actions required to effectuate the sale, issuance and delivery of the Bonds within the parameters authorized in this resolution. The Underwriter's discount shall not exceed one percent (1%).

**12. Adjustment of Bond Details.** Each of the City Manager and the Director of Finance (the "Authorized Officers" and each an "Authorized Officer") is authorized to execute and deliver a sale order 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, *provided* that a net present value savings of debt service shall exist upon the sale of the Bonds, the interest rate on the Bonds shall not exceed five percent (5.00%), and the Bonds shall mature not later than 2025.

**13. 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.

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. Registered Municipal Advisor. The City hereby confirms Bendzinski & Co., Municipal Finance Advisors, as Registered Municipal Advisor to the City with respect to the Bonds.

16. 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.

**R-6. Councilmember Harris** moved the adoption of the following resolution, which was requested by Councilmember Harris, seconded by Councilmember Moeller:

WHEREAS, on February 13, 2012, the City Council held a public hearing regarding proposed increases in rental certification annual operating fees; and

WHEREAS, at this same meeting, the City Council adopted a resolution to increase the rental certification annual operating fees with the rental fees being effective immediately upon adoption; and

WHEREAS, the bills for the annual operating fees have been mailed to the landlords for payment for the billing cycle July 1, 2011, through June 30, 2012, and these bills did not include a proration of fees; and

WHEREAS, it would be appropriate for City Council to consider whether the current bills should be adjusted to provide for proration of fees as the recently adopted resolution is subject to interpretation as to whether or not the fees should have been prorated;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council does hereby amend the resolution to Public Hearing #3 adopted at the February 13, 2012, meeting to provide that the rental certification annual operating fees for the billing cycle July 1, 2011, through June 30, 2012, are to be prorated and charged as follows:

July 1, 2011 - February 12, 2012: Rental fee rates to be charged based on the City Council resolution adopted at the January 24, 2011, meeting.

February 13, 2012 - June 30, 2012: Rental fee rates to be charged based on the City Council resolution adopted at the February 13, 2012, meeting.

Motion *rejected* by the following vote:

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

**\*R-7. 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 \$272.96 for special trash pickup in the right-of-way upon the lots and premises described in the attached special assessment report (see City Clerk File #12-28).

Adopted by consent.

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

WHEREAS, it is the desire of the City Council to work with other entities in the interest of providing quality service and improved efficiency whenever possible; and

WHEREAS, in May of 2011, Chief Robert Eick of the Port Huron Fire Department and Chief Tom Konik of the Marysville Fire Department began working toward a collaborative agreement which is projected to improve efficiency yet maintain quality service to both communities; and

WHEREAS, the Port Huron City Council wishes to encourage and support this collaborative effort;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby directs the City Manager to work with legal counsel to prepare an agreement with the City of Marysville to allow collaboration of both the Port Huron and Marysville Fire Departments;

BE IT FURTHER RESOLVED, that the agreement will be brought to City Council for consideration at a later date.

Motion adopted unanimously.

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

WHEREAS, the provisions of Act 495 of the Public Acts of 1980, as amended by Act 216 of the Public Acts of 1998 and the provisions of Act 217 of the Public Acts of 1998, provide that a portion of certain casualty losses for fire or explosion otherwise payable by insurers may be withheld in escrow by participating municipalities in order to secure repair, replacement, or removal of damaged structures which violate the City of Port Huron's health or safety standards; and

WHEREAS, the City of Port Huron has determined that participation in said program would protect and promote the public health, safety, and welfare of its citizens and desires to be included in the list of participating municipalities published by the Commissioner of Insurance; and

WHEREAS, the City of Port Huron desires to implement all procedures necessary to administer said program by designation the Planning Director responsible for administration of the program and establish an escrow account for said purpose;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the City of Port Huron does hereby become a participating municipality in the program providing for the escrow of fire insurance as established by Act 495 of the Public Acts of 1980, as amended by Act 216 of the Public Acts of 1998 or as established by Act 217 of the Public Acts of 1998, and does declare its intention to uniformly apply the provisions of Section 2845 or Section 2227 to all property within the City of Port Huron.

2. That the City of Port Huron official responsible for the administration of Section 2845 or 2227 of said Acts and any rules promulgated by the Commissioner of Financial and Insurance services is hereby designated as follows: *Planning Director for the City of Port Huron.*

3. That the City of Port Huron shall establish an escrow account with the Talmer Bank for the purpose of receiving and holding deposits of money received from insurers pursuant to Section 2845 or 2227 of said Acts, which account shall be separately maintained from all other accounts and may be an interest-bearing account.

Motion adopted unanimously.

#### ORDINANCES

\***O-1.** An ordinance introduced February 13, 2012, entitled and reading as follows was given its second reading and enacted:

##### ORDINANCE NO. 1335

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 716 - 17TH STREET FROM A C-1 (GENERAL BUSINESS) 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 a C-1 (General Business) zoning district to an A-1 (Medium Density Multiple Family Residential) zoning district:

*Lot 2 and the North half Lot 3, Block "A", "Jenks Lapeer Avenue Plat" including that part of Section 9 described as: Beginning at the North corner of said Lot 2, "Jenks Lapeer Avenue Plat" thence South 01° 07' 50" East 179.06' along the West line of "Jenks Lapeer Avenue Plat"; thence North 89° 23' 12" West 149.15'; thence South 00° 57' 00" East 50.00'; thence North 89° 24' 35" West 122.99' to the East line of Seventeenth Street, (66' right-of-way.); thence North 00° 57' 54" West 250.03' along the East line of Seventeenth Street; thence South 89° 22' 16" East 271.58' to the West line of "Jenks Lapeer Avenue Plat", thence South 01° 07' 50" East 20.86' to point of beginning, also known as 716 - 17th Street, City of Port Huron, St. Clair County, Michigan.*

ADOPTED: 02/27/12

PUBLISHED: 03/03/12

EFFECTIVE: 03/11/12

Adopted by consent.

#### MOTIONS & MISCELLANEOUS BUSINESS

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

A Special City Council meeting will be held on Wednesday, March 7, 2012, at 6:30 p.m. in Room 408 for the purpose of a budget work session and a discussion on retiree healthcare.

Spirit of Port Huron awards were presented at a ceremony prior to the regular meeting and that it was a great opportunity to recognize those people who have given back to their community.

**2. Councilmember Moeller** expressed happy birthday wishes to his grandson.

**3. Councilmember Archibald** mentioned the Annual Walk for Warmth fundraising event on Saturday, March 3, 2012, to raise funds for those needing assistance in paying their utility bills.

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

SUSAN M. CHILD, CMC  
City Clerk

**Special meeting of the City Council of the City of Port Huron, Michigan, held Wednesday, March 7, 2012, 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, Cole, Harris and Ruiz.

Absent: Councilmembers Lewandowski and Moeller.

**DISCUSSION ITEMS**

1. Julie Davis, Human Resources Director, reviewed the proposed changes to retiree healthcare. She commented that projected annual savings would be \$600,000 with savings being achieved mainly by changing the prescription co-pay structure. She commented that the proposed changes are to increase generic use of prescription drugs and to reduce overall costs without reducing retiree healthcare coverage (see City Clerk File #12-29).

2. John Ogden, Director of Finance, highlighted the following current financial situation and a review of the preliminary budget:

Current budget - Revenues are close to the adopted budget. Income tax for this past quarter is higher than previous years at this time, but should remain flat overall. An increase in revenue sharing from last year will help slightly. Expenses continue to be less than budgeted due to the diligence of City staff.

Upcoming budget - After the preliminary review of the budget requests by departments for the next fiscal year, it appears that there will be a shortfall.

- *Revenues* are expected to be about \$300,000 less mainly due to lower property taxes.

- *Expenses* are about \$1.3 million higher than the current budget mainly due to increases in health care and pension; increases in police and fire wages as part of their contracts; and police department overtime.
- *Other reductions in expenses* that will occur will be the sharing of an existing employee between two departments (HR and fire); replacement of a full-time employee with a part-time person in assessing; and the fire department collaboration.
- *Police Department grant funding* is continuing to be sought after to pay for additional police officers. A change in how certain services are delivered is being reviewed for possible cost reductions, such as acquiring software for self-reporting of crimes electronically.
- *An administrative fee* charge for the collection of property taxes might be an option for raising revenues. Many townships and cities in the County already add this type of fee to their property tax collections. Given that most residents' tax bills have been greatly reduced over the last few years, this might be an appropriate time to institute this item.
- *Privatizing/consolidation of services with other municipalities* is continuing to be reviewed and include: mergers/collaborations of human resources and planning/housing functions with the County; privatization of the information technology department and motor pool services.

**The Mayor** asked administration to keep the Council updated on the budget and to inform them if grant funding can be found for additional police officers. She also mentioned that the budget will be received in April and a public hearing will be held the first meeting in May to hear public comments. A workshop meeting will follow shortly thereafter to further discuss the budget.

On motion (7:55 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC  
City Clerk

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**Michigan, held Monday, March 12, 2012, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.**

The meeting was called to order by Mayor Repp.

Present: Mayor Repp; Councilmembers Archibald, Cole, Harris, Lewandowski and Ruiz.

Absent: Councilmember Moeller.

The minutes of the regular meeting of February 27, 2012, were approved.

**PRESENTATIONS**

1. Proclamation recognizing March 25-31, 2012 as "Betty Kearns Week" in the City of Port Huron was presented to family members.
2. Lee Stevens presented the proposed site plan for the Blue Water Transit Center (See City Clerk File #12-30).

**PUBLIC HEARINGS**

1. **The Mayor** announced that this was the time to hear comments on the application of ALD Thermal Treatment, 2656 - 24th Street, for an Industrial Facilities Exemption Certificate for personal property:

Renee Stephan from the Economic Development Alliance and representing ALD Thermal Treatment commented that the company is asking for a tax abatement on equipment to handle new business. She also commented that the company has been continuously growing since their inception, with 171 current employees. She also stated the company has exceeded previously employment levels given for other tax abatements.

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

WHEREAS, pursuant to PA 198 of 1974, as amended, the Port Huron City Council by resolution established an Industrial Development District in the area bound by 16th Street on the east, 24th Street on the west, Dove Street on the south and the C&O Railroad ROW on the north after a duly noticed public hearing was held on December 27, 1976; and

WHEREAS, ALD Thermal Treatment, 2656 - 24th Street, has filed an application for an Industrial Facilities Exemption Certificate with respect to new machinery and equipment; and

WHEREAS, before acting on said application, the Port Huron City Council held a public hearing on March 12, 2012, at the Municipal Office Center, 100 McMorran Boulevard, Port Huron, Michigan, in the Public Meeting Room, at 7:00 p.m., at which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, installation of new machinery and equipment had not begun earlier than six (6) months before February 14, 2012, the date of acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will, at the time of issuance of the certificate, have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Port Huron; and

WHEREAS, the aggregate SEV of real and personal property exemption from ad valorem taxes within the City of Port Huron, after granting this certificate will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under PA 198 of 1974, as amended and PA 225 of 1978, as amended, shall not have the effect of substantially impeding the operation of the City of Port Huron, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Port Huron; and

BE IT FURTHER RESOLVED that the application from ALD Thermal Treatment for an Industrial Facilities Exemption Certificate, with respect to the installation of new machinery and equipment on the following described parcel of real property situation within the Industrial Development District, to wit, be the same is hereby approved:

BEG AT A PT THAT IS DISTANT S 00D 6M 00S W 1160.61' & N 89D 51M 48S E 18' FROM THE NW COR OF LOT 22, ASSESSOR'S 24TH ST PLAT, TH EXT S 00D 06M 00S W 506.11', TH N 89D 36M 45S E 618.23' TO THE E LINE OF LOT 4 OF SAID SUBD, TH N 00D 12M 32S E 36.77' ALG SAID E LINE TO THE C.L. OF 22ND ST, TH N 00D 01M 27S E 446.63' ALG SAID C.L., TH S 89D 51M 48S W 33', TH N 00D 01M 27S E 20', TH S 89D 51M 48S W 584.66' TO THE BEG.

BE IT FURTHER RESOLVED that the Industrial Facilities Exemption Certificate, when issued, shall be and remain in force for a period of twelve (12) for personal property;

BE IT FURTHER RESOLVED that the appropriate City officials are hereby authorized to sign the necessary documents and agreements and to forward the application to the State Tax Commission.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmember Archibald, Cole, Harris, Lewandowski and Ruiz.

No: None.

Absent: Councilmember Moeller.

**PUBLIC COMMENT**

1. Sarah Prout, Executive Director from Safe Horizons, commented about being eliminating from this year's CDBG funding allocations and that this will cause services to be reduced at a time when homelessness is on the rise.
2. Larry Jones thanked numerous City officials for the services they provide. He also commented that as many parking spaces as possible should be kept in the bus design as he believes the future needs of downtown will warrant a parking deck.



3. David Ellingwood thanked everyone for working on the bus transit center and commented that it will greatly assist those individuals who cannot drive.

4. Mike Bodeis commented that raising rates and taxing businesses are easy decisions, but cutting programs that do not raise revenues, such as recreational programs, are harder decisions that should be made.

5. Monica Mercurio commented that meetings with retirees affected by proposed healthcare changes should be held prior to the Council taking action.

6. Dick Cummings, President of AFL-CIO, commented that water billings should be changed from quarterly to monthly billings to help people with budgeting their finances better. He also acknowledged the 100th anniversary of the Girl Scouts.

### CONSENT AGENDA

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

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmember Archibald, Cole and Harris.

No: Councilmember Lewandowski and Ruiz.

Absent: Councilmember Moeller.

### FROM THE CITY MANAGER

**NOTE:** From the City Manager #1 below is listed here for continuity; however, it was addressed and action was taken immediately following Resolution #3.

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

	As Currently Adopted	Per Proposed Amendment	Increase (Decrease)
<b>GENERAL FUND:</b>			
Means of financing:			
Property taxes	\$ 7,355,000	\$	\$ 7,355,000
Income tax	5,775,000		5,775,000
Business licenses and permits	345,000		345,000
Nonbusiness licenses and permits	300,000		300,000
Grants	545,000		545,000
State shared revenues	2,840,000		2,840,000
Charges for services	805,000		805,000
Fines and forfeits	145,000		145,000
Investment income	200,000		200,000
Rents	335,000		335,000
Sale of assets	6,282		6,282
Charges to other funds	1,843,346		1,843,346
Transfer from Other funds	<u>405,000</u>		<u>405,000</u>
	<u>\$20,899,628</u>	<u>\$ 0</u>	<u>\$20,899,628</u>

	As Currently Adopted	Per Proposed Amendment	Increase (Decrease)
Estimated requirements:			
Ordinary recurring expenses:			
Personal services	\$ 15,046,946	\$	\$15,046,946
Supplies and materials	603,356		603,356
Contractual services	4,336,276		4,336,276
Transfers	3,300	80,000	83,300
Capital outlay	<u>909,750</u>	<u>(80,000)</u>	<u>829,750</u>
	<u>\$20,899,628</u>	<u>\$ 0</u>	<u>\$20,899,628</u>

### MOTOR VEHICLE FUND:

Means of financing:

Estimated designated			
fund balance	\$ 912,522	\$	\$ 912,522
Charges for services	1,720,000		1,720,000
Grants		720,000	720,000
Transfers from Other funds		<u>80,000</u>	<u>80,000</u>
	<u>\$2,632,522</u>	<u>\$ 800,000</u>	<u>\$3,432,522</u>

Estimated requirements:

Ordinary recurring expenses:			
Personal services	649,419		649,419
Supplies and materials	450,145		450,145
Contractual services	833,870		833,870
Capital outlay	<u>699,088</u>	<u>800,000</u>	<u>1,499,088</u>
	<u>\$2,632,522</u>	<u>\$ 800,000</u>	<u>\$3,432,522</u>

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmember Archibald, Cole and Harris, Lewandowski and Ruiz.

No: None.

Absent: Councilmember Moeller.

**NOTE:** From the City Manager #2 below is listed here for continuity; however, it was addressed and action was taken immediately following Resolution #12.

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

On January 12, 2012, the City of Port Huron received two (2) proposals for renovating the fifth floor lobby and installing a new kitchenette for the State of Michigan in the Municipal Office Center:

Sanctum Contracting (Yale, Michigan)	\$41,840.69
National Restoration (ego Harbor, Michigan)	\$62,000.00

It is recommended that the proposal from Sanctum Contracting, P. O. Box 101, Yale, Michigan, 48097, in the amount of Forty-One Thousand Eight Hundred Forty and 69/100 Dollars (\$41,840.69) be accepted, with costs being reimbursed by the Michigan Department of Technology, Management & Budget, and that the appropriate City officials are hereby authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmember Archibald, Cole and Harris, Lewandowski and Ruiz.

No: None.

Absent: Councilmember Moeller.

**RESOLUTIONS**

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

BE IT RESOLVED that the Finance Director is hereby authorized to pay the attached payments. (See City Clerk File #12-01)

Motion adopted by the following vote:

- Yes: Mayor Repp; Councilmember Archibald, Cole and Harris, Lewandowski and Ruiz.
- No: None.
- Absent: Councilmember Moeller.

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

WHEREAS, retiree healthcare costs are the largest City expenditure except for current employee wages; and

WHEREAS, retiree healthcare costs are increasing at a rate in excess of inflation and in excess of other City costs; and

WHEREAS, the most recent actuarial valuation of the City's retiree healthcare costs disclosed an unfunded actuarial accrued liability in excess of \$50 million; and

WHEREAS, one of the successful methods of reducing healthcare costs is by encouraging and increasing the use of generic drugs;

NOW, THEREFORE, BE IT RESOLVED that the City Manager is hereby authorized to implement changes in retiree healthcare in accordance with the reports presented to City Council, in order to reduce overall healthcare costs while minimizing the impact to retirees (See City Clerk File #12-29);

BE IT FURTHER RESOLVED that the City Manager will schedule informational meetings with City retirees to provide information regarding the revised coverage.

Motion adopted by the following vote:

- Yes: Mayor Repp; Councilmember Archibald, Cole and Harris and Ruiz.
- No: Councilmember Lewandowski.
- Absent: Councilmember Moeller.

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

WHEREAS, on December 9, 2011 the City of Port Huron was awarded \$810,000 for a FY2011 Assistance to Firefighters Grant Program (AFGP) for a vehicle acquisition grant; and

WHEREAS, on January 9, 2012 City Council approved the terms of this grant agreement to purchase a new aerial ladder truck for use by the Port Huron Fire Department; and

WHEREAS, normal construction of this type of vehicle could extend beyond the grant's one year period of performance and it was outlined in the grant application that the intent was to purchase a stock or demo fire ladder truck from a qualified vendor; and

WHEREAS, on February 15, 2012 we received thirteen (13) proposals that were then evaluated to determine the best available aerial ladder truck for the fire department's use; and

WHEREAS, after consideration of all proposals and available options, it has been determined that Payette Sales & Service, Inc., of Grosse Ile, Michigan, be selected to provide a 109 foot fire ladder truck built by KME Fire Apparatus that best meets the requirements of the fire department;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes Robert W. Eick, Fire Chief/Emergency Management Coordinator and other appropriate City officials to enter into a purchase agreement with Payette Sales & Service, Inc., for a KME fire ladder truck in the total amount of Seven Hundred Ninety-nine Thousand, Four Hundred Eighty-one and no/100 dollars (\$799,481.00) with 90% (\$719,533.00) of the total project cost approved as the federal share and 10% (\$79,948.00) as the City's grant match (see City Clerk File #12-31).

Motion adopted by the following vote:

- Yes: Mayor Repp; Councilmember Archibald, Cole and Harris, Lewandowski and Ruiz.
- No: None.
- Absent: Councilmember Moeller.

**AT THIS POINT**, From the City Manager #1 was discussed and action taken. For continuity, please refer to that section for the information (page 40).

**\*R-4.** 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 2.6) 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 for the Michigan Municipal League, serves as the alternate City representative on the Board of Directors for the Blue Water Area Transit Commission (BWATC) and serves on the Executive Committee for the Southeast Michigan Council of Governments (SEMCOG). 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. She also serves on the Emergency Food and Shelter Program (EFSP) board and is a member of the CDE, LLC advisory committee.

**Rachel Cole** - Councilmember Cole is employed by Summit Management (Landmark Academy) as an academic quality coach.

**Kenneth D. Harris** - Councilmember Harris is retired from the U.S Postal Service. He is secretary/treasurer of the St. Clair County Central Labor Council, AFL-CIO.

**Alan Lewandowski** - Councilmember Lewandowski is employed by Radio First as a salesperson. The City of Port Huron and its related entities purchase services from Radio First in the ordinary course of business.

**Brian J. Moeller** - Councilmember Moeller is employed by the State of Michigan, Department of Licensing and Regulatory Affairs, 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 employed by Talmer Bank. His daughter is associate corporation counsel for Talmer Bank. Two brothers own local construction companies. The City of Port Huron is subject to Michigan unemployment law and contracts with SCCC for employee training. Further, the City of Port Huron receives banking services from Talmer 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.

Adopted by consent.

**\*R-5.** WHEREAS, Chapter 24, Fire Prevention and Protection, Article III, Cost Recovery for Fire Department Hazardous Materials Responses and Clean-up, Sections 24-40 through 24-44, of the Port Huron City Code allows the City to recover certain costs incurred when providing public safety and fire emergency services; and

WHEREAS, Chapter 10, Buildings and Building Regulations, Article VI, Dangerous Structures, Section 10-211, of the Port Huron City Code also allows the City Manager to abate a public nuisance, such as a dangerous structure, if the public safety requires immediate action with the cost of abating such nuisance charged against the premises and the owner; and

WHEREAS, the following costs have been incurred by the City of Port Huron for the immediate cleanup and removal of hazardous materials at meth labs found at the following described properties:

<u>Property #</u>	<u>Property Description</u>	<u>Costs</u>
74-06-743-1271-000	1109 Union Street	\$ 4,095.66
74-06-743-1549-000	1214 Oak Street	\$ 4,937.35
		<b>\$ 9,033.01</b>

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council does hereby confirm and declare single lot special assessments totaling \$9,033.01 for the immediate cleanup and removal of hazardous material on the above-described properties in accordance with Chapter 24, §24-40 through §24-44, and Chapter 10, §10-211, of the Port Huron City Code.

Adopted by consent.

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

WHEREAS, the City of Port Huron’s five-year Parks and Recreation Plan was approved by the Michigan Department of Natural Resources (MDNR) in February 2012 making it eligible to apply for state and federal recreation grant programs; and

WHEREAS, the MDNR has announced that eligible communities interested in applying for grant funding to support recreation development and renovation through the *Passport to Recreation Grant Program* can submit applications for consideration through April 2, 2012; and

WHEREAS, it has been determined that the resurfacing renovation project at Sanborn Pool, which is estimated to cost \$55,000, falls within the guidelines of this grant application program; and

WHEREAS, if this project is approved for funding, the *Passport to Recreation Grant Program* would provide funding of up to 75% of the project cost not to exceed \$45,000, with the local amount being funded through the City's portion of the County recreation millage;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby authorizes the City's submission of a grant application in the amount of \$55,000 to the Michigan Department of Natural Resources *Passport to Recreation Grant Program* for the resurfacing renovation project at Sanborn Pool, with possible grant funding of up to 75% of the project cost, or approximately \$41,250, with the remaining local amount estimated at \$13,750 being funded through the City's portion of the County recreation millage, if the grant is awarded; and

BE IT FURTHER RESOLVED that the Recreation Director, in coordination with the Human Resources Director and the Director of Finance, is hereby authorized to accept any offer of grant funding which may be tendered, to execute all of the necessary documents related thereto and to act as the project coordinator and authorized representative for this project.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmember Archibald, Cole and Harris, Lewandowski and Ruiz.  
No: None.  
Absent: Councilmember Moeller.

**\*R-7.** WHEREAS, pursuant to the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan 1996, as amended, Hotel Development Services, LLC has submitted a brownfield plan for the 2021-2025 Water Street Redevelopment Project at 2021 Water Street (Parcel ID #: 74-06-009-2001-030) and 2025 Water Street (Parcel ID #: 74-06-009-2001-029); and

WHEREAS, the City of Port Huron Brownfield Redevelopment Authority met on March 12, 2012, to review the Hotel Development Services, LLC Brownfield Plan and made 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 March 26, 2012, 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-8.** 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 reappoints Michael Artman, Carl Moss, and Gerald Saunders to the Historic District Commission, with terms to expire on March 10, 2015.

Adopted by consent.

**\*R-9.** WHEREAS, the City of Port Huron has prepared the "Annual Action Plan" for use of Community Development Block Grant (CDBG), Section 108, and HOME funds in accordance with the Five Year Consolidated Plan (2010-2014), as mandated by the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, in accordance with federal regulations, the City has held two public hearings regarding the housing and community development needs of the City and reviewed any comments of the proposed 2012 Annual Action Plan; and

WHEREAS, a 30 day public comment and review period was established; and

WHEREAS, the City has taken these comments into consideration prior to revising the Annual Action Plan;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron authorizes and approves the submission of the City's Annual Action Plan for Program Year 2012 to the U.S. Department of Housing and Urban Development for their review and approval (see City Clerk File #12-32);

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.

Adopted by consent.

**\*R-10.** WHEREAS, the Downtown Development Authority (DDA) held a public hearing on March 6, 2012, to hear comments on an amendment to the DDA boundaries to include the following described property:

*Lots 15 and 16, Block 37, White Plat, also known as 1229 Seventh Street; and*

WHEREAS, the DDA has recommended that the DDA boundaries be amended to include the above described property; and

WHEREAS, it is the intent of the City Council to amend the Port Huron Code of Ordinances, Chapter 16, Community Development, Article III, Downtown Development Authority, Section 16-82(b), Powers, Duties and Boundaries, for the purpose of including the above described property;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby authorizes the City Clerk to schedule a public hearing for April 9, 2012, to hear comments on the adoption of an ordinance to amend the Downtown Development Authority boundaries.

Adopted by consent.

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

WHEREAS, it is necessary to perform construction engineering services during the construction and serve as the City's professional representative for the Water Street water main, sewer and paving from Arch Street to the City limits; and

WHEREAS, on December 14, 2009 City Council authorized Rowe Professional Services Company to perform design services, after they were selected by a competitive selection process; and

WHEREAS, Rowe Professional Services Company is the appropriate engineering firm to provide the construction engineering services because they assisted the City with the design of this work; and

WHEREAS, there has been prepared an agreement between the City of Port Huron and Rowe Professional Services Company for professional engineering services;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Rowe Professional Services Company for construction engineering services for the Water Street water main, sewer and paving from Arch Street to the City limits; and authorizes the appropriate City officials to execute the agreement (see City Clerk File #12-33).

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmember Archibald, Cole and Harris, Lewandowski and Ruiz.  
No: None.  
Absent: Councilmember Moeller.

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

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 was renewed on July 12, 2010, and the State of Michigan wishes to pay for certain lease space renovations; and

WHEREAS, Contract Change Order No. 1 to the lease has been prepared that is acceptable to both parties to establish the amount of reimbursement the City will receive for said renovations;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached Contract Change Order No. 1 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 #12-34)

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmember Archibald, Cole and Harris, Lewandowski and Ruiz.  
No: None.  
Absent: Councilmember Moeller.

**AT THIS POINT**, From the City Manager #2 was discussed and action taken. For continuity, please refer to that section for the information (page 40).

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

WHEREAS, site plans have been considered for the south McMorran parking lot for the Blue Water Transit Center;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the site plan as presented by Lee Stevens on March 12, 2012, subject to an agreement between the Blue Water Transit and City of Port Huron related to the use of the south McMorran lot. (See City Clerk File #12-30)

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmember Archibald, Cole and Harris, Lewandowski and Ruiz.  
No: None.  
Absent: Councilmember Moeller.

#### MOTIONS & MISCELLANEOUS BUSINESS

**1. Councilmember Harris** mentioned that Council should send a letter to MDOT asking them to move forward with the Welcome Center.

On motion (7:55 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC  
City Clerk

**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, March 26, 2012, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.**

The meeting was called to order by Mayor Repp.

Present: Mayor Repp; Councilmembers Archibald, Cole, Harris, Lewandowski, Moeller and Ruiz.

The minutes of the special meeting of March 7, 2012, and the regular meeting of March 12, 2012, were approved.

**PRESENTATIONS**

1. Proclamation declaring April 2012 as Child Abuse Prevention Month was presented to Director Sally Straffon, Prevention Educator Lindsay Chopp and Office Manager Jamie Alexander of the Child Abuse and Neglect Council.

**PUBLIC HEARINGS**

1. **The Mayor** announced that this was the time to hear comments on the Brownfield Redevelopment Plan for Hotel Development Services, LLC, on property located at 2021 and 2025 Water Street.

David Wespiser, Hotel Development Services, commented that obtaining financing has been difficult and the approval of the Brownfield will help them with this project. The company plans to start construction in June.

**The Mayor** declared the hearing closed and **Councilmember Harris** 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 March 12, 2012, and recommended for approval by the City Council a Brownfield Plan (the "Plan") submitted to it by Hotel Development Services, LLC for the 2021-2025 Water Street Redevelopment Project at 2021 and 2025 Water Street, 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 #12-35);

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.

**PUBLIC COMMENT**

1. The following individuals commented about delaying or keeping lanes open during the Water Street construction project: Norm Krol and Gary Jablonski (Office Lounge), Jim Albright (Black River Country Club), Monica Mercurio, Pete Hodgins (Certified Marine Services), Mark Wagley (Bridge Harbor), Debbie Peeling (Fairfield Inn), Nason Shamasha (Hampton Inn), Robert Matthews (hotel employee), Debbie Stoken (Comfort Inn), Peter Spickenagel (Storage Pros). A letter by Dr. Robert Thomas was also read to the City Council.

2. Amy and Kevin Banker commented about issues with their neighbors having recreational fires.

3. Trina Avedisian commented about issues with her neighbors having recreational fires and mentioned that the Water Street project will be an inconvenience.

AT THIS TIME, Robert Clegg, City Engineer, addressed the City Council regarding the history of the Water Street construction project. The City does not have the authority to delay the project or change the provisions in the contract to keep the roadway open during construction and that he will contact and work with MDOT to see if the concerns can be addressed.

**CONSENT AGENDA**

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

### FROM BOARDS & COMMISSIONS

**\*1.** Transmitting a copy of the completed 2012 assessment roll, which has been endorsed by the Board of Review members. (See City Clerk File #12-36).

Received and filed.

### RESOLUTIONS

**\*R-1.** WHEREAS, Public Act 198 of 1974, as amended, allows for the establishment of a Plant Rehabilitation District; and

WHEREAS, a Plant Rehabilitation District provides tax incentives for improvements of industrial property, which includes but is not limited to, land improvements, buildings, structures and other real property, machinery, equipment, furniture, and fixtures, for a period of one to 12 years; and

WHEREAS, Mueller Brass Company, owner of 2119, 2199 Lapeer Avenue and 430 Rural Street, desire to upgrade manufacturing equipment; and

WHEREAS, the establishment of a Plant Rehabilitation District requires that a public hearing be scheduled for the City Council to receive comments on the request;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for April 9, 2012, in order to hear comments on the request from Mueller Brass Company for the establishment of a Plant Rehabilitation District.

Adopted by consent.

**\*R-2.** WHEREAS, on February 9, 2004, the City Council established by ordinance a Sister City Commission; and

WHEREAS, it is stated in the Ordinance Code of the City of Port Huron, Chapter 2, Administration, Article IV, Boards and Commissions, Division 8, Sister City Commission, Section 2-567, Membership and terms of office:

“The membership of the commission shall be composed of nine (9) members appointed by the City Council, from applications on file in the City Clerk’s Office, and shall represent persons with a strong interest in and knowledge of foreign countries or cultures, as compensation. Members shall serve without compensation.

The members of the commission shall serve terms of three (3) years . . .”

WHEREAS, the terms of Irene Michels, Pat O’Connor and Sandy Politowicz will expire on April 12, 2012, and it is their desire to continue serving on this commission;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby confirms the reappointments of Irene Michels, Pat O’Connor and Sandy Politowicz to the Sister City Commission for three-year terms to expire April 12, 2015.

Adopted by consent.

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

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

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

WHEREAS, since the event’s inception, several companies have been contacted to ascertain their proposals to provide the technical support and equipment and it has been determined that Lorio-Ross Sterling Entertainment, Inc., is the appropriate company to provide the event production services; and

WHEREAS, there has been an agreement prepared with Lorio-Ross Sterling Entertainment, Inc., in the amount of \$10,000, with the cost being paid for through event sponsorship dollars;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached agreement with Lorio-Ross Sterling Entertainment, Inc., to provide event production services during the 2012 Port Huron Rockin’ on the River music event, with no direct cost to the City, and authorizes the appropriate City officials to execute the agreement. (See City Clerk File #12-37)

Motion adopted unanimously.

NOTE: The Mayor mentioned that the City has won the Michigan Municipal League Region 5 Community Excellence Award for the partnering recreational program piloted by the City’s Recreation Department with Fort Gratiot, Port Huron and Clyde Townships. The MML plaque was presented to Nancy Winzer, Recreation Director.

**\*R-4.** 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 Keith Flemingloss, and John Ogden are hereby reappointed to the Brownfield Redevelopment Authority for terms to expire April 14, 2015.

Adopted by consent.

**\*R-5.** WHEREAS, the City of Port Huron created a Local Development Finance Authority (LDFA) May 14, 1990; and

WHEREAS, the LDFA Act stipulates that the Mayor, subject to approval by the City Council, shall appoint seven members, two members shall be appointed by the Port Huron Area School District, one member shall be appointed by the St. Clair County Community College, and one member shall be appointed by the St. Clair County Board of Commissioners, with four-year terms; and

WHEREAS, the four-year term for Marshall Campbell is currently vacant and will expire on June 11, 2012;

NOW, THEREFORE, BE IT RESOLVED that the City Manager's appointment of Robert Funk to the Local Development Finance Authority for a term to expire June 11, 2016, is hereby confirmed.

Adopted by consent.

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

WHEREAS, the City's Recreation Department has been notified that The Community Foundation for Southeast Michigan, through the Stebbins Family Fund, has awarded the City a \$50,000 grant to assist with upgrading the Pine Grove Park bleachers, including handicap accessibility; and

WHEREAS, it is necessary for the City to enter into the attached agreement with The Community Foundation in order to receive this grant award (see City Clerk File #12-38);

NOW, THEREFORE, BE IT RESOLVED that the City Council for the City of Port Huron does hereby agree to the terms of the grant agreement with The Community Foundation for Southeast Michigan in the amount of \$50,000 for support for the Pine Grove Park bleachers upgrade, including handicap accessibility (Grant #2012-0693); and

BE IT FURTHER RESOLVED that the City of Port Huron Recreation and Parks Department is hereby authorized to accept this grant funding, to execute all of the necessary documents related thereto and to act as the project coordinator and authorized representative.

Motion adopted unanimously.

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

WHEREAS, due to financial constraints during these tough economic times, many children may not be able to participate in fee-based recreational programs and activities because dollars are simply not available in the family budget; and

WHEREAS, the cities of Port Huron, Marysville, St. Clair and Marine City have been working collectively to find a way to provide scholarships to those children in need so that no child is denied the ability to participate in recreational programs and activities because of financial issues; and

WHEREAS, this collaborative effort between the four cities has resulted in the formation of the St. Clair County Organized Recreation for Everyone (SCORE) Fund through the Community Foundation of St. Clair County to provide organizations, businesses and the general public an opportunity to invest in recreation programs organized by these cities throughout St. Clair County through donations to the fund; and

WHEREAS, the Community Foundation has prepared the attached Agency Designated Fund Agreement detailing the operation and policies and procedures for the fund which will come at no cost to any of the cities involved; and

WHEREAS, once the fund is established and donations are received, scholarships to participate in fee-based recreational programs and activities will be available to help those families meet some of their recreational needs;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council does hereby approve the agreement with the cities of Marysville, St. Clair, Marine City and the Community Foundation of St. Clair County to establish the St. Clair County Organized Recreation for Everyone (SCORE) Fund (see City Clerk File #12-39).

Motion adopted unanimously.

On motion (8:15 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 Friday, March 30, 2012, at 11 a.m. in Conference Room 101, Municipal Office Center.**

The meeting was called to order by Mayor Pro-tem Archibald.

Present: Mayor Pro-tem Archibald; Councilmembers Harris, Lewandowski and Ruiz.

Absent: Mayor Repp; Councilmembers Cole and Moeller.

**PUBLIC COMMENT**

- 1. Andy Fabian, potential new restaurant owner for the former Victorian Inn property on 7th Street, stated that he hopes to be open by mid-August and the restaurant will employ 15 to 25 people.

**RESOLUTIONS**

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

WHEREAS, on March 12, 2012, the Port Huron City Council, at the recommendation of the Downtown Development Authority (DDA), adopted Resolution #10 scheduling a public hearing for April 9, 2012, to hear comments on an amendment to the DDA boundaries to include the following described property:

*Lots 15 and 16, Block 37, White Plat*, also known as 1229 Seventh Street; and

WHEREAS, notice of the public hearing was to be published, per state law, twice in the newspaper, no less than 20 days prior to the public hearing; and

WHEREAS, it has come to the City’s attention that the publication did not occur in the newspaper; and

WHEREAS, it is necessary to re-schedule the public hearing in accordance with state law to provide adequate notice to the public; and

WHEREAS, it is the intent of the City Council to amend the Port Huron Code of Ordinances, Chapter 16, Community Development, Article III, Downtown Development Authority, Section 16-82(b), Powers, Duties and Boundaries, for the purpose of including the above described property;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby authorizes the City Clerk to schedule a public hearing for **April 23, 2012**, to hear comments on the adoption of an ordinance to amend the Downtown Development Authority boundaries.

Motion adopted unanimously.

On motion (11:03 a.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 9, 2012, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.**

The meeting was called to order by Mayor Repp.

Present: Mayor Repp; Councilmembers Archibald, Cole, Harris, Lewandowski, Moeller and Ruiz.

The minutes of the regular meeting of March 26, 2012, and the special meeting of March 30, 2012, were approved.

**PRESENTATIONS**

1. Recognized John H. Ogden, CPA, Director of Finance, and the Finance Department for receiving the Award of Financial Reporting Achievement for the 37th consecutive year for their Comprehensive Annual Financial Report (CAFR).
2. The Port Huron Police Department presented their Annual Report (see City Clerk File #12-40).

**AT THIS POINT**, Robert Clegg, City Engineer, provided a status report on the meetings with the Michigan Department of Transportation (MDOT) regarding the Water Street construction project and the concerns of the financial impact to area businesses if the roadway is completely closed during the project.

**PUBLIC HEARINGS**

The public hearing scheduled for this meeting for the establishment of a Plant Rehabilitation District at 2119 and 2199 Lapeer Avenue and 430 Rural Street was withdrawn at the request of Mueller Brass.

**PUBLIC COMMENT**

1. Vickie Ledsworth, President, Blue Water Area Chamber of Commerce, commented about the effect the closure of Water Street for the City's water main replacement projected will have on area businesses and encouraged postponement of the project until a resolution of the business owners' concerns can be addressed.
2. Jon Todd requested that the City Council reverse its decision to demolish the house at 942 Howard Street as he is interested in purchasing and rehabilitating the home. (See City Clerk File #12-41 for a copy of his written request.)
3. Richard Niemetz, Riverside Drive, commented about the dredging of the Black River Canal and suggested that signs be posted at the boat launch sites encouraging smaller watercraft vehicles to use the canal as an alternate route to the lake.
4. Norm Krol, Water Street business owner, commented about the Water Street construction project and encouraged City officials to continue to work with MDOT and area governmental representatives to resolve concerns of business owners.
5. Shirley Watts, 28th Street, commented about recognizing various individuals from the past who have contributed to our history and our community.

**CONSENT AGENDA**

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

**FROM THE CITY MANAGER**

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

On February 27, 2012, the City of Port Huron Utilities Division solicited three quotes for the repair of the Atlas Copco air compressor at the Wastewater Treatment Plant:

Renewable Energy Services (Port Huron, MI)	\$8,850.00
Air Technologies (Livonia, MI)	\$9,800.82
Detroit Air Compressor Company (Ferndale, MI)	\$9,855.00

It is recommended that the quote of Renewable Energy Services, 1605 Beard Street, Port Huron, Michigan 48060, in the amount of Eight Thousand Eight Hundred Fifty and 00/100 Dollars (\$8,850.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

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

On March 15, 2012, the City of Port Huron received one (1) unit price bid for 305 dry tons of aluminum sulfate for use at the Water Filtration Plant and the Wastewater Treatment Plant:

General Chemical Performance Products, LLC (Parsippany, NJ)	\$472.00 per dry ton
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It is recommended that the unit price bid of General Chemical Performance Products, LLC, 90 East Halsey Road, Parsippany, New Jersey 07054, in the amount of \$472.00 per dry ton, F.O.B., for an annual estimated amount of \$143,960.00 be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

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

On March 15, 2012, the City of Port Huron received four (4) unit price bids for the estimated annual consumption of 317,000 wet lbs. of sodium hydroxide for the Wastewater Treatment Plant:

Jones Chemicals, Inc. (Riverview, MI)	\$0.083 per wet lb.
PVS-Nolwood Chemical (Detroit, MI)	\$0.086 per wet lb.
K. A. Steel Chemicals (Lemont, IL)	\$0.088 per wet lb.
Alexander Chemical Corporation (Downers Grove, IL)	\$0.105 per wet lb.

It is recommended that the bid of Jones Chemicals, Inc., 18000 Payne Avenue, Riverview, MI 48192, in the amount of \$0.083 per wet lb., F.O.B., for an annual estimated amount of \$26,311.00 be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

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

On March 15, 2012, 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:

K. A. Steel Chemical Inc. (Lemont, IL)	\$0.710 per gallon
JCI Jones Chemicals, Inc. (Riverview, MI)	\$0.730 per gallon
PVS-Nolwood Chemicals, Inc. (Detroit, MI)	\$0.930 per gallon
Alexander Chemical Corporation (Downers Grove, IL)	\$0.980 per gallon

It is recommended that the bid of K. A. Steel Chemical, Inc. 15185 Main Street, Lemont, IL 60439, in the amount of \$0.710 per gallon, F.O.B., for an annual estimated amount of \$142,000.00 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, Cole, Lewandowski and Ruiz.  
No: Councilmember Harris and Moeller.  
Absent: None.

**CM 5-6. Councilmember Moeller** moved the adoption of the City Manager's recommendation #5 and #6, seconded by Councilmember Cole:

**CM-5.** In August 2011, the City of Port Huron solicited bids for the replacement of exterior doors and adding electronic door openers at the Precinct 4 polling location (Palmer Park Recreation Center):

T.W.S. Contracting, Inc. (St. Clair, MI)	\$6,475.00
Blue Water Glass, Inc. (Port Huron Twp., MI)	\$6,745.00
Port Huron Auto Glass (Port Huron Twp., MI)	\$7,219.00

It is recommended that the bid of T.W.S. Contracting, Inc., 1110 S. Carney Drive, St. Clair, Michigan 48079, in the amount of Six Thousand Four Hundred Seventy-Five and 00/100 Dollars (\$6,475.00), with reimbursement being funded through the Help America Vote Act Polling Place Accessibility Improvement Program, be accepted and that the appropriate City officials be authorized to execute the necessary documents.

**CM-6.** In August 2011, the City of Port Huron solicited bids for the replacement of exterior doors and adding electronic door openers at the Precinct 10 polling location (Eleger Harvey Reinvestment Center):

T.W.S. Contracting, Inc. (St. Clair, MI)	\$5,850.00
Port Huron Auto Glass (Port Huron Twp., MI)	\$5,863.13

It is recommended that the bid of T.W.S. Contracting, Inc., 1110 S. Carney Drive, St. Clair, Michigan 48079, in the amount of Five Thousand Eight Hundred and Fifty and 00/100 Dollars (\$5,850.00), with reimbursement being funded through the Help America Vote Act Polling Place Accessibility Improvement Program, be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion to adopt From the City Manager #5 and #6 adopted by the following vote:

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

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

In August 2011, the City of Port Huron solicited bids for the replacement of exterior doors and adding electronic door openers at the Precinct 2 polling location (Colonial Woods Missionary Church):

Port Huron Auto Glass (Port Huron Twp., MI)	\$5,449.40
T.W.S. Contracting, Inc. (St. Clair, MI)	\$6,670.00
Blue Water Glass, Inc. (Port Huron Twp., MI)	\$7,870.00

It is recommended that the bid of Port Huron Auto Glass, 4120 Lapeer Road, Port Huron, Michigan 48060, in the amount of Five Thousand Four Hundred Forty-Nine and 40/100 Dollars (\$5,449.40), with reimbursement being funded through the Help America Vote Act Polling Place Accessibility Improvement Program, 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, Cole, Moeller and Ruiz.  
No: Councilmember Harris and Lewandowski.  
Absent: None.

**CM-8. Councilmember Harris** moved the adoption of the following City Manager's recommendation, seconded by Councilmember Archibald:

For the past several years the City has been working to replace the bleachers at the Pine Grove Park softball field. The total project cost, including handicap accessibility improvements, is anticipated to be \$150,000.

The City has recently received notification that the City's insurance carrier, Michigan Municipal Risk Management Authority (MMRMA), has awarded the City a \$30,000 grant from their Risk Avoidance Program (RAP). This award, together with the recently accepted grant from the Stebbins Family Foundation of the Community Foundation for Southeast Michigan for \$50,000 and the City's portion of the St. Clair County Parks millage appropriation, finalizes the funding components for this project.

This summer, a national softball tournament will be played in Port Huron and the Pine Grove Park field is being promoted as one of the premier locations and will provide a great opportunity to promote our facilities and community. Now that the project funding has been secured, the timing necessary to complete this project prior to the summer season and this national event will need to move forward quickly.

It is, therefore, recommended that the Pine Grove Park bleacher project proceed at a cost not to exceed \$150,000 as follows:

1. The City Council does hereby accept the terms of the MMRMA Risk Avoidance Program grant, which authorizes 50% funding reimbursement up to a maximum of \$30,000 for this project, and authorizes the appropriate department head, or their designee, to execute all necessary documents related thereto and for the Parks and Recreation Departments to act as the project coordinators and authorized representatives. (See City Clerk File #12-42 for a copy of the MMRMA notice of award).

2. The City received bid proposals from six (6) companies, as detailed below, to provide, assemble and install the bleachers. After evaluation, it has been determined that the proposal from Park and Pool, 40 Park Place, Lexington, Virginia, 24450 in the amount of Eighty-Nine Thousand Eight Hundred Ninety-Nine and 12/100 dollars (\$89,899.12) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Park and Pool	\$89,899.12
Sinclair Recreation	\$91,111.00
Game Time Athletics	\$91,260.00
Snider & Associates, Inc.	\$91,264.00
DGJD, Inc.	\$91,467.00
Bleachers International	\$93,727.00

3. Due to the timing necessary to complete the bleacher project prior to the summer season and the national softball event, the City Council hereby authorizes administration to select and award bids to appropriate local companies based on bid proposals and/or ability to perform the necessary remaining elements of this project. Estimated costs for additional items are as follows:

Concrete	\$15,000.00
Concrete install laborer	15,000.00
Fencing materials	10,000.00
Removal of current bleachers	5,000.00
Score's booth & dugouts	8,000.00
Groundwork	3,000.00
Miscellaneous	<u>4,100.00</u>
Total additional work	\$60,100.00

Motion adopted unanimously.

**RESOLUTIONS**

**R-1. Councilmember Moeller** 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 #12-01)

Motion adopted unanimously.

**\*R-2. 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 \$250.39 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 #12-43).

Adopted by consent.

**\*R-3. WHEREAS**, the Tax Increment Finance Authority (TIFA) for the City of Port Huron met on March 28, 2012, and adopted an amendment to the "Tax Increment Financing and Development Plan" for Peerless Site Development Area; and

WHEREAS, the amendment to the plan is to include a proposed public land use for a convention center, to include a convention center to be constructed and owned by St. Clair County as an improvement, to provide that the tax increment revenues generated shall be first used to pay the St. Clair County debt retirement for the St. Clair County Convention Center for a period of not to exceed 30 years, and to extend the TIF Plan for 30 years;

WHEREAS, the TIFA has recommended the Port Huron City Council approve the amended Plan; and

WHEREAS, P.A. 450 of 1980, as amended, requires a public hearing before amending the Plan; and

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby schedules a public hearing for Monday, May 14, 2012, at 7:00 p.m., in the Public Meeting Room, First Floor, Municipal Office Center, 100 McMorrin Boulevard, for the purpose of reviewing and discussing the proposed amendment of the Tax Increment Financing and Development Plan for the Peerless Site Development Area.

Adopted by consent.

**\*R-4. WHEREAS**, the Michigan Liquor Control Commission has received a request from Harris Restaurants, Inc., to transfer classification of 2011 Tavern license issued under MCL 436.152a(1)(b) to a Class C license issued under MCL 436.152a(1)(b), located at 628 Huron Avenue;

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-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	Code Violations
12-001	1918-12th Street	Lot 11, Howard Plat	Building, Electrical, Mechanical and Plumbing
12-003	1130 Howard Street	West 31 feet Lot 6 and east 10 feet Lot 7, Block 139 White Plat	Building, Electrical, Mechanical and Plumbing
12-004	1219 Lapeer Avenue	Lot 4 except north 66.5 feet and east 8 feet, Lot 5 except north 75 feet, Block 156, White Plat	Building, Electrical, Mechanical and Plumbing
12-005	2701 Vanness Street	Lot 14, Block 2, Factory Land Company's Plat No. 2, including vacated alley adjacent	Building, Electrical, Mechanical and Plumbing
12-006	1113 Varney Street	Lot 12, Brown Hoffman Plat	Building, Electrical, Mechanical and Plumbing
12-008	2725 Wright Street	South one-half Lot 146 and Lot 147, Block F, Plat of that portion of the Lighthouse Reservation at Fort Gratiot sold in accordance with Act of Congress approved January 24, 1873	Building, Electrical, Mechanical and Plumbing

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

WHEREAS, the City Council believes it is warranted in conducting public hearings and investigations pursuant to such provisions of Chapter 10 and Chapter 40 of said Code for the purpose of ascertaining and determining for itself whether such condition or conditions exist at these properties;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron shall conduct separate public hearings on April 23, 2012, at 7:00 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, 100 McMorran Boulevard, for each of the above-listed properties for the purposes and according to the procedures referred to above and provide for the recording of such hearings.

BE IT FURTHER RESOLVED that the City Clerk shall notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's record, at least ten (10) days in advance of the date herein set for such hearing and investigation and the notice shall state that the interested parties will be given the opportunity to state their case for or against bringing this property up to code or demolition of this property, at the time of the public hearing.

BE IT FURTHER RESOLVED that a notice shall be published in accordance with the City's Rules of Procedure and the notice shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Chapter 10, §10-211, and Chapter 34, §34-3, Code of Ordinances of the City of Port Huron.

Adopted by consent.

#### MOTIONS & MISCELLANEOUS BUSINESS

1. **Councilmember Moeller** requested that the demolition of 942 Howard Street not proceed until administration provides a report for Council on the matter.

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

SUSAN M. CHILD, CMC  
City Clerk

**A special joint meeting of the City Council of the City of Port Huron, Michigan, and the McMorran Civic Center Authority, held Monday, April 16, 2012, at 6:30 p.m. in Conference Room 408, Municipal Office Center.**

The joint meeting was called to order by **Mayor Repp**.

### ROLL CALL

City Council: Members present: Mayor Repp; Councilmembers Archibald, Cole, Harris, Lewandowski and Ruiz. Members absent: Councilmember Moeller.

McMorran Civic Center Authority: Members present: Chairperson Samar; Members Belyea, Duffy, Eppley, Kramer, Neal and Ogden.

**Mayor Repp** announced that Introductions of each member occurred.

**AT THIS POINT**, Robert Clegg, City Engineer, was asked to provide City Council with an update on meetings with the Michigan Department of Transportation regarding the Water Street construction project. MDOT has agreed to expedite the opening of the westbound I-94 exit to the Lapeer Avenue connector and provide a turnaround for vehicles to head eastbound on the connector to the Water Street exit. This will require the City's project to be delayed approximately five weeks until after Memorial weekend.

### PUBLIC COMMENT

No one spoke.

### MISCELLANEOUS BUSINESS

**1.** Patti Samar, Chairperson, gave a presentation on the history of McMorran Place and its current operating characteristics, list of the major users of the facility (stakeholders), the financial condition, the facility's quality of life/value to the community aspects and the Commission's mission and schedule (see City Clerk File #12-44).

The following were provided as possible options for the facility:

- Close the building and demolish it. Legacy costs, parking lot and property maintenance costs will still be incurred.
- Close the building and mothball it until future use/funding can be found. Legacy costs, liability insurance and parking lot maintenance costs will still be incurred.

- Close the building and mothball it until future use/funding can be found. Legacy costs, liability insurance and parking lot maintenance costs will still be incurred.
- Repurpose all or part of it for a different purpose (i.e., office building, art gallery, regional museum, etc.)
- Continue to operate it as a sports, recreation & theater complex with two ice rinks or as a sports, recreation & theater complex with multi-purpose flooring so additional sports can be played indoors year-round. Nationally, these two options do not make money and are considered well-run if they come close to breaking even.
- Hire a management company to operate the facility and bring in additional entertainment. Typically, this will cost more, but might improve entertainment options in the building.

The Authority has been meeting weekly to determine goals. Meetings with stakeholder groups are being scheduled to share with them the current state of the facility, the options available and to get a feel for which direction makes the community most comfortable. They are hoping to establish stakeholder committees to help the Authority move forward with strong support from the community. Feedback will be reviewed and the Authority will then plot a course of action.

Following the presentation, some of the general items discussed between Council and Authority members included better involvement and communication with downtown businesses and restaurants is necessary; work is needed to reverse the negative perceptions and inaccurate information circulating about the facility; increased advertisement of events is critical; a capital improvement campaign should be considered; the community is supportive and value recreational activities which is evident by approval of past millages.

The Council expressed their thanks to the Authority for the presentation and for their hard work and dedication. It was mentioned that following the stakeholders meetings, the Authority will provide an update to the Council on the feedback received.

**Mayor Repp** announced that the Council will be setting the budget public hearing date at the next regular meeting. She asked Councilmembers to review their schedules for available dates to meet once prior to the public hearing (April 23 through the first week of May) and after the public hearing (May 15 through 17).

On motion (7:40 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, April 23, 2012, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.**

The meeting was called to order by Mayor Repp.

Present: Mayor Repp; Councilmembers Archibald, Cole, Harris, Lewandowski, Moeller and Ruiz.

The minutes of the regular meeting of April 9, 2012, and the special meeting of April 16, 2012, were approved.

**AT THIS TIME, Councilmember Moeller** moved to add Resolution #8 to the agenda, seconded by Councilmember Archibald. Motion adopted unanimously.

**PRESENTATIONS**

1. Don Fletcher, Community Foundation of St. Clair County Chair, and Megan Wilson, Program Officer, announced the donation of \$15,000 to the City’s Recreation Department in support of the “Kids Days Out to Play” program, a \$1,200 donation toward the City’s swimming and water safety program, together with a \$17,000 grant from the Southeast Michigan Community Foundation. Nancy Winzer, Recreation Director, thanked the Foundation for always supporting their programs and expressed thanks to Christie Jones from Fort Gratiot Township and Bill Livingston from Port Huron Township for assisting and partnering with the Recreation Department to offer the kids program.

2. Proclamation recognizing Saturday, May 12, 2012, as National Association of Letter Carriers Food Drive Day was presented to Michelle Young, 2012 NALC Food Drive Coordinator, Local 529. Mrs. Young thanked the community for their continued support of the food drive.

3. Proclamation recognizing May 13-19, 2012, as Police Week and May 13, 2012, as Peace Officers Memorial Day was presented to Chief Michael Reaves, Port Huron Police Department. Chief Reaves mentioned that the annual Police Officer and Civilian Award Ceremony will be held on May 15 at 6 p.m. in the Council Chambers.

**PUBLIC HEARINGS**

1. **The Mayor** announced that this was the time to hear comments on the adoption of an ordinance to amend the Downtown Development Authority boundaries.

No one appeared to be heard.

**The Mayor** declared the hearing closed.

2. **The Mayor** announced that this was the time to hear comments on Code Case #12-003, 1130 Howard Street, to determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211, and Chapter 34, Section 34-3, of the Port Huron City Code.

Kim Harmer, Planning Director, gave a brief history and overview of the property conditions and stated the home had suffered damage from a previous fire, water was shut off in 2010, back taxes are owed and the owners have not responded to the City’s requests.

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

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as: *West 31 feet Lot 6 and east 10 feet Lot 7, Block 139 White Plat;* also known as *1130 Howard Street*, has been brought to the attention of the City Council by the Building Official as *Code Case #12-003* claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #12-45); and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property of violations of the Port Huron Code of Ordinances and requesting abatement of these conditions and, to date, there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted April 9, 2012, 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] Mechanical*

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 #12-004, 1219 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 and stated that the home has been vacant since January, various complaints date back to 1990 and that the property owners have not responded to the City's request.

Craig Matthews, Varney Street, commented in support of the demolition and stated more work needs to be done in the area.

Tim Kearns who is handling the property for Fannie Mae commented that the property is in the redemption period, they have cleaned up the property, they are waiting for an appraisal and they are attempting to determine what they have to do as far as the demolition is concerned.

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

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as: *Lot 4 except north 66.5 feet and east 8 feet, Lot 5 except north 75 feet, Block 156, White Plat*; also known as *1219 Lapeer Avenue*, has been brought to the attention of the City Council by the Building Official as *Code Case #12-004* claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #12-46); and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property of violations of the Port Huron Code of Ordinances and requesting abatement of these conditions and, to date, there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted April 9, 2012, 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] Mechanical*

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 #12-005, 2701 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 and stated that the water has been shut off since 1999, the lot is a non-buildable 25 foot lot and that the owners did not want to agree to enter into the work agreement to finish the work in 90 days.

Mary Williams commented that she was speaking on behalf of her husband and daughter who own the property which was inherited from her husband's grandmother. She commented that it is their intent to repair the home in order for the daughter to live in after graduation from college this year and they would like to be given the opportunity to begin working on the repairs later this summer.

**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 14, Block 2, Factory Land Company's Plat No. 2, including vacated alley adjacent*; also known as *2701 Vanness Street*, has been brought to the attention of the City Council by the Building Official as *Code Case #12-005* claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #12-47); and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property of violations of the Port Huron Code of Ordinances and requesting abatement of these conditions and, to date, there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted April 9, 2012, 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] Mechanical*

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, Cole, Harris, Moeller and Ruiz.

No: Councilmember Lewandowski.

Absent: None.

5. **The Mayor** announced that this was the time to hear comments on Code Case #12-006, 1113 Varney 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 stated that the water has been shut off since last July, taxes are paid, the property owner has stated she is walking away from the home and the second party has not responded to the City's request.

Craig Matthews, Varney Street, commented in support of the demolition and stated that there are six vacant homes on this street and half of these should be demolished.

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

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as: *Lot 12, Brown Hoffman Plat*; also known as *1113 Varney Street*, has been brought to the attention of the City Council by the Building Official as *Code Case #12-006* claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #12-48); and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property of violations of the Port Huron Code of Ordinances and requesting abatement of these conditions and, to date, there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted April 9, 2012, 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] Mechanical*

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 #12-008, 2725 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.

Kim Harmer, Planning Director, gave a brief history and overview of the property conditions and stated back taxes are owed and the water was shut off in January. The property owner has not responded to our requests, and although the home appears vacant, there are personal items inside.

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

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as *South one-half Lot 146 and Lot 147, Block F, 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 2725 *Wright Street* has been brought to the attention of the City Council by the Building Official as *Code Case #12-007* claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #12-49); and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property of violations of the Port Huron Code of Ordinances and requesting abatement of these conditions and, to date, there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted April 9, 2012, 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] Mechanical*

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.

**NOTE:** For the record, the public hearing for Code Case #12-001, 1918 - 12th Street, was not held as the owner of the property, Cheryse Anter, entered into a work agreement with the City on April 12, 2012.

#### PUBLIC COMMENT

1. Jim Relken commented that the Port Huron Cemeteries Clean Sweep Program was scheduled for May 5 and 6. The program is in need of donations from the business community for gravel and weed services and that the contact number to donate and/or volunteer is 985-1199.

2. Norm Krol thanked the City Council for listening to the concerns of business owners on Water Street and thanked Bob Clegg, City Engineer, for working through the matter with the businesses.

3. Monica Mecurio commented that the Council should be waiting to hear comments from the public hearing scheduled for May 14 before voting on the convention center agreement (Resolution #4).

4. Steve Didocha, representing the Firefighters Local 354, thanked the Council for removing the fire collaboration agreement from the agenda and that they are looking forward to further discussions. He also thanked the Fire Chief for allowing the firefighters to hold a food drive at the Sanborn Station later this week.

#### CONSENT AGENDA

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

**AT THIS POINT**, the Mayor also announced that special meetings will be held on Monday, May 7, and Wednesday, May 16, to discuss the proposed budget.

#### FROM THE CITY MANAGER

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

On April 3, 2012, the City of Port Huron received five (5) bids for one complete mow and trim of various City-owned vacant lots:

Kevin's Lawn Care (St. Clair Township, MI)	\$ 940.00
Knowlton Landscaping, Inc. (North Street, MI)	\$1,332.00
Peacock Landscaping (Burtchville, MI)	\$1,516.25
D & J Cleaning, LLC (Burtchville, MI)	\$1,545.00
Lawn Pro (Kimball Township, MI)	\$2,090.00

It is recommended that the bid of Kevin's Lawn Care, 1347 S. Range Road, St. Clair Township, Michigan 48079 in the amount of Nine Hundred Forty and 00/100 Dollars (\$940.00) per mow and trim be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

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

On March 15, 2012, the City of Port Huron received six (6) bids for two 2012 4x2 pickup trucks to be used by the Forestry Department and Wastewater Treatment Plant:

Northgate Ford (Port Huron, MI)	\$18,175.00
Signature Ford (Owosso, MI)	\$18,517.00
Slingerland Chrysler-Dodge (Owosso, MI)	\$18,788.00
Jorgensen Ford (Detroit, MI)	\$18,819.04

Red Holman Buick GMC (Westland, MI)	\$23,960.00
Jefferson Chevrolet (Detroit, MI)	\$26,683.00

It is recommended that the bid of Northgate Ford, 3600 Pine Grove Avenue, Port Huron, Michigan 48060, in the amount of Thirty Six Thousand Three Hundred Fifty and 00/100 Dollars (\$36,350.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

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

On March 15, 2012, the City of Port Huron received three (3) bids for a 4x4 pickup truck with extended cab, front plow & salter to be used by Engineering and MOC Maintenance:

Northgate Ford (Port Huron, MI)	\$30,397.00 *
Signature Ford (Owosso, MI)	\$30,397.00
Jorgensen Ford (Detroit, MI)	\$30,587.00

\*Bid adjusted – qualified under Section 2-797, Preference for local bidders/City based business - original bid \$30,577.00

It is recommended that the bid of Northgate Ford, 3600 Pine Grove Avenue, Port Huron, Michigan 48060, in the amount of Thirty Thousand Three Hundred Ninety-Seven and 00/100 Dollars (\$30,397.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

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

On March 15, 2012, the City of Port Huron received five (5) bids for a 4x4 pickup truck to be used by the Streets Division:

Northgate Ford (Port Huron, MI)	\$18,895.00 *
Signature Ford (Owosso, MI)	\$18,895.00
Jorgensen Ford (Detroit, MI)	\$19,220.36
Slingerland Chrysler-Dodge (Owosso, MI)	\$19,415.00
Jefferson Chevrolet (Detroit, MI)	\$22,124.00
Red Holman Buick GMC (Westland, MI)	**

\*Bid adjusted – qualified under Section 2-797, Preference for local bidders/City based business – original bid \$19,227

\*\* Did not meet specifications

It is recommended that the bid of Northgate Ford, 3600 Pine Grove Avenue, Port Huron, Michigan 48060, in the amount of Eighteen Thousand Eight Hundred Ninety-Five and 00/100 Dollars (\$18,895.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

**RESOLUTIONS**

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

WHEREAS, the City's Recreation Department has been notified that the Community Foundation for Southeast Michigan has awarded the City a \$17,000 grant to support a multi-municipality summer recreation program; and

WHEREAS, it is necessary for the City to enter into the attached agreement with the Community Foundation in order to receive this grant award (see City Clerk File #12-50);

NOW, THEREFORE, BE IT RESOLVED that the City Council for the City of Port Huron does hereby agree to the terms of the grant agreement with the Community Foundation for Southeast Michigan in the amount of \$17,000 to support a multi-municipality summer recreation program (Grant #2012-0021); and

BE IT FURTHER RESOLVED that the City of Port Huron Recreation Department is hereby authorized to accept this grant funding, to execute all of the necessary documents related thereto and to act as the project coordinator and authorized representative.

Motion adopted unanimously.

**\*R-2.** WHEREAS, the Community Development Division of the City of Port Huron has requested to schedule a public hearing on May 14, 2012, to hear comments on the Consolidated Annual Performance Evaluation Report (CAPER) for the Program Year 2011 (04/01/11 - 03/31/12); and

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

WHEREAS, the CAPER will be available at the City Clerk's office and the St. Clair County Main Library as of Thursday, April 26, 2012, for public viewing and written comments for a period of at least fifteen days; and

WHEREAS, the report will be submitted to HUD after City Council approval on Tuesday, May 29, 2012, after all comments are considered;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Port Huron hereby schedules a public hearing for Monday, May 14, 2012, to hear comments on the Consolidated Annual Performance Evaluation Report.

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 totaling \$530.00 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 #12-51).

Adopted by consent.

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

WHEREAS, the City of Port Huron and St. Clair County have been working in conjunction with a developer and the Blue Water Convention and Visitor's Bureau to assist in the redevelopment of the Thomas Edison Inn property; and

WHEREAS, various stakeholders have committed funds toward repayment of the bonded indebtedness which will be incurred by St. Clair County to build the Convention Center, which also includes a significant financial commitment by the Blue Water Convention and Visitors Bureau; and

WHEREAS, the City has also made a commitment to assist in the debt repayment for the Convention Center as reflected in the Resolution adopted by the Port Huron City Council on December 12, 2011; and

WHEREAS, in order for the County to contractually commit to the developer for construction of the Convention Center, the County is required to obtain contractual commitments from the stakeholders who will be assisting with the debt repayment; and

WHEREAS, an agreement has been prepared detailing the City's obligation to remit captured Peerless tax increment financing dollars, MDOT mitigation funding contributions and to make street improvements to Harker Street;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council does hereby approve the agreement with St. Clair County regarding the City's funding commitments and street improvements for the redevelopment of the Thomas Edison Inn property, contingent upon approval of the appropriate tax increment financing amendments (see City Clerk File #12-52).

Motion adopted by the following vote:

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

No: Councilmembers Harris and Moeller.

Absent: None.

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

WHEREAS, the United States Department of Housing and Urban Development (HUD) allocated \$85,335.45 in FY 2010 and FY 2011 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 City requested proposals from eligible CHDO's which was to include a specific housing project to provide permanent housing to moderate-income persons and only one proposal was received; and

WHEREAS, St. Clair Non-Profit Housing Corporation has been recommended to receive the award from 2010 and 2011 HOME funding in the amount of \$85,335.45 (contingent upon meeting all applicable regulations and execution of contract agreements);

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby authorizes the City's Community Development Division to allocate 2010 and 2011 HOME CHDO funds according to St. Clair Non-Profit Housing Corporation's proposal for the purpose of acquisition and rehabilitation of 1705 McPherson Street for re-sale to a moderate-income purchaser, and authorizes the appropriate City officials to execute the necessary applications, certifications, appropriate documents, and agreements related to the proposal.

Motion adopted unanimously.

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

WHEREAS, the Port Huron Police Department has recently been notified that a grant application to the U.S. Department of Justice, Office of Justice Programs, and Bureau of Justice Administration has been approved; and

WHEREAS, this grant funding, as part of the Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2011 Local Solicitation, provides federal dollars to increase the collaborative effort between the Police Department and the community to prevent crime; and

WHEREAS, the grant funds of up to \$23,410, with no local match of dollars required, can be used for the continuation of the Citizens Police Academy, increase the Volunteers in Police Services (VIPS) program and increase the Community Neighborhood Watch Program;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves acceptance of the grant from the U.S. Department of Justice, Office of Justice Programs, and Bureau of Justice Administration, for the continuation of Community Policing; and

BE IS FURTHER RESOLVED that Michael W. Reaves, Police Chief, is hereby appointed as project coordinator and authorized representative for all aspects of the grant.

Motion adopted unanimously.

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

WHEREAS, Part 52 (strategic water quality initiatives) of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended ("Part 52"), provides at MCL 324.5204a that the Michigan Finance Authority (the "MFA") in consultation with the Michigan Department of Environmental Quality (the "DEQ") shall establish a strategic water quality initiatives grant program; and

WHEREAS, in accordance with the provisions of 2010 PA 231, which provides grants to assist municipalities in completing loan application requirements under MCL 324.5308 or completing loan application requirements for other sources of financing for sewage treatment works projects, storm water treatment projects or nonpoint source projects; and

WHEREAS, in accordance with the provisions of 1985 PA 227, as amended, Part 52, and other applicable provisions of law, the MFA, the DEQ, and the Municipality that is a grant recipient shall enter into a grant agreement (the "S2 Grant Agreement") that requires the Municipality to repay the grant under certain conditions as set forth in MCL 324.5204a, as amended; and

WHEREAS, the Municipality does hereby determine it necessary to undertake planning, revenue system development, and/or design activities related to a project for which it intends to seek financing for construction; and

WHEREAS, it is the determination of the Municipality that at this time, a grant in the aggregate principal amount not to exceed \$152,563 ("Grant") be requested from the MFA and the DEQ to pay for the planning and/or design activities; and

WHEREAS, the Municipality shall obtain this Grant by entering into the S2 Grant Agreement with the MFA and the DEQ.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Engineer; Director of Finance (title of the designee's position), a position currently held by Robert Clegg, P.E.; John Ogden, C.P.A. (name of the designee), is designated as the Authorized Representative for purposes of the S2 Grant Agreement.

2. The proposed form of the S2 Grant Agreement between the Municipality, the MFA and DEQ (attached hereto as Appendix I) is hereby approved and the Authorized Representative is authorized and directed to execute the S2 Grant Agreement with such revisions as are permitted by law and agreed to by the Authorized Representative. (See City Clerk File #12-53)

3. The Municipality shall repay the Grant, within 90 days of being informed to do so, with interest at a rate not to exceed 8 percent per year, to the Authority if any of the following conditions occur:

(a) the Municipality fails to submit an administratively complete loan application for assistance from the SRF, the SWQIF or other source of financing for the project within 3 years of the Grant award;

(b) the project has been identified as being in the fundable range or is approved for funding from another source and the Municipality declines loan assistance for 2 consecutive fiscal years unless the Municipality proceeds with funding from another source; or

c) the Municipality is unable to, or decides not to, proceed with constructing the project.

4. The Grant, if repayable, shall be a first budget obligation from the general funds of the Municipality, and the Municipality is required, if necessary, to levy ad valorem taxes on all taxable property in the Municipality for the payment thereat: subject to applicable constitutional, statutory and Municipality tax rate limitations.

5. The Municipality shall not invest, reinvest or accumulate any moneys deemed to be Grant funds, I).or shall it use Grant funds for the general local government administration activities or activities performed by municipal employees.

6. The Authorized Representative is hereby jointly or severally authorized to take any actions necessary to comply with the requirements of the MFA and the DEQ in connection with the issuance of the Grant. The Authorized Representative is hereby jointly or severally authorized to execute and deliver such other contracts, certificates, documents, instruments, applications and other papers as may be required by the MFA or the DEQ or as may be otherwise necessary to effect the approval and delivery of the Grant.

7. The Municipality acknowledges that the S2 Grant Agreement is a contract between the Municipality, the MFA and the DEQ.

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

Motion adopted unanimously.

**\*R-8.** WHEREAS, on February 27, 2012, the City Council, after due notice and proper hearing, adopted a resolution objecting to renewal of the following on-premise Class C/SDM license for nonpayment of taxes, utility payments and/or income tax reporting/payments:

Military Street Music Café, 1102 Military St., Class C/SDM Property taxes, \$2,813.85, plus additional penalty, if any

WHEREAS, all payments have been made by Military Street Music Café;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby recommends approval of Military Street Music Café's Class C/SDM license for the 2012-13 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-9. Councilmember Moeller** moved the adoption of the following resolution, seconded by Councilmember Lewandowski:

WHEREAS, on February 27, 2012, the Port Huron City Council authorized the immediate demolition of the structure(s) on the property located at *942 Howard Street (Code Case #11-036)* within the City of Port Huron, St. Clair County, Michigan, legally described as *Lot 9 except south 50 feet, Block 109, White Plat*, declaring the condition of said property constituted a nuisance as defined by Chapter 10, Section 10-211 and Chapter 34, Section 34-3 of the Code of Ordinances of the City of Port Huron; and

WHEREAS, a potential purchaser of the property, Mr. Jon Todd, has requested permission to enter into a Work Agreement with the City to correct the code violations at *942 Howard Street* within 90 days from the date of executing the agreement, and to provide a cash performance deposit in the amount of \$5,000 to the City; and

WHEREAS, it is the City Council's desire to rescind the demolition order to allow Mr. Todd to enter into a work agreement;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Port Huron City Council hereby rescinds Public Hearing Resolution #1 dated February 27, 2012.

2. Mr. Todd must close on the purchase and provide proof of ownership of *942 Howard Street* to the City no later than May 4, 2012.

3. Mr. Todd must enter into a Work Agreement with the City no later than May 7, 2012.

4. Mr. Todd must provide to the City at the time of executing the Work Agreement, a \$5,000 cash performance deposit, payment of costs incurred to date for enforcement actions taken by the City, and payment for recordation of the work agreement.

5. Required repairs must be completed within 90 days of the date of signing the agreement (July 30, 2012).

6. If work is not completed in accordance with the Work Agreement, the City Manager is hereby directed to cause the abatement of such conditions and nuisance by **immediate demolition**, with the cash performance deposit being used to pay for abatement costs.

7. That any costs incurred in abatement of such conditions and nuisances in excess of the \$5,000 performance bond are to be assessed against the property in accordance with Chapter 40, Sections 40-19 and 40-20 of the City of Port Huron Code of Ordinances.

8. 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.

9. 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 Cole, Harris, Lewandowski, Moeller and Ruiz.  
No: Councilmember Archibald.  
Absent: None.

**\*R-10.** WHEREAS, Act 197 of 1975, the Downtown Development Authority Act, authorizes the City of Port Huron Downtown Development Authority to levy up to a 1.9874 mill ad valorem tax on the taxable value of all real and personal property within the district boundaries; and

WHEREAS, the City of Port Huron Downtown Development Authority has received a tentative budget for the 2012-2013 fiscal year in the amount of \$1,378,000 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 2012-2013 fiscal year are subject to approval by the City Council of the City of Port Huron.

NOW, THEREFORE, BE IT RESOLVED that the tentative budget of the City of Port Huron Downtown Development Authority be received for further review by the City Council and that a public hearing thereon be held May 14, 2012. (See City Clerk File #12-54.)

Adopted by consent.

**\*R-11.** WHEREAS, the tentative budget for 2012-2013 has been prepared (City Clerk File #12-55);

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for Monday, May 14, 2012, 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 14, 2012.

Adopted by consent.

\***R-12.** WHEREAS, the Capital Improvement Program for 2012-2013 through 2017-2018 has been prepared (City Clerk File #12-56); and

WHEREAS, a draft of this Capital Improvement Program will be reviewed by the City’s Planning Commission; and

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for Monday, May 14, 2012, 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 14, 2012.

Adopted by consent.

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

WHEREAS, the Port Huron Police Department has recently been notified that a grant solicitation by the U.S. Department of Justice, Office of Justice Programs, and Bureau of Justice Administration has been opened; and

WHEREAS, this grant funding, as part of the Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2012 Local Solicitation, provides federal dollars to fund Evidence Based Programs, Criminal Justice Planning, Recidivism Reduction, Smart Policing Program and Officer Safety and Wellness; and

WHEREAS, the grant funds of up to \$17,668, with no local match of dollars required, can be used for the implementation of strategies to plan for and reduce criminal activity;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby gives approval to file application with the U.S. Department of Justice, Office of Justice Programs, and Bureau of Justice Administration, for the purpose of obtaining the grant funding; and

BE IT FURTHER RESOLVED that the appropriate City officials, upon receiving notification that the grant has been awarded, are hereby authorized to accept and execute this grant agreement, as well as any further amendments necessary to fund the project, on behalf of the City; and

BE IS FURTHER RESOLVED that Michael W. Reaves, Police Chief, is hereby appointed as project coordinator and authorized representative for all aspects of the grant agreement.

Motion adopted unanimously.

**MOTIONS & MISCELLANEOUS BUSINESS**

**1. Mayor Repp** announced that the Parks & Forestry Department, in cooperation with the Port Huron Area School District, will celebrate this year’s Arbor Day on Thursday, April 26, 2012, and will plant trees at Cleveland Elementary School at 11:00 a.m. and Crull Elementary School at 3:30 p.m.

**2. Councilmember Cole** mentioned that she had contacted Waste Management regarding renting the larger recycling container and stated they were very helpful and the container was delivered the next day.

**3. Councilmember Archibald** congratulated Coach Bill Warren and the Port Huron Fighting Falcons on their very successful season, wished them luck with their game on Thursday and mentioned that they are one win away from moving on to the National Championship in Texas.

On motion (8:10 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 May 7, 2012, at 6:00 p.m. in Conference Room 408, Municipal Office Center.**

The meeting was called to order by Mayor Repp.

Present: Mayor Repp; Councilmembers Archibald (arrived at 6:21 p.m.), Cole, Harris, Lewandowski and Ruiz.

Absent: Councilmember Moeller.

**PUBLIC COMMENT**

No one wished to speak.

**MISCELLANEOUS BUSINESS**

1. John Ogden, Director of Finance, gave a presentation on the proposed 2012/2013 budget proposal (see City Clerk File #12-57). Following the presentation, some of the items discussed included:

- Reductions in water and wastewater budgets would have to come from reduction of employees and operational savings.
- Due to the City's bond rating being downgraded, costs to borrow have increased and the projections to the year 2020 include anticipated projects at this time (Nern Street CSO and plant improvements).
- The proposed 1% property tax administration fee will assist in offsetting costs for additional police officers while property owners will not see an increase in cost at this time due to the decrease in property taxes by almost 9%.

- If the Court Street pool were to be closed, the capital money for Parks and Recreation could be set aside to plan for a 'splash park' instead.
- Program costs for recreation are now shared by the townships allowing the City to continue to provide 'quality of life' services to the residents.
- The motor vehicle pool (which is \$244,000 less than last year) is charged with buying the equipment, gas, maintenance, etc., and by charging the rental rates to each department, the costs stay more consistent so the departments don't have a spike when gas prices fluctuate, or vehicles are purchased, etc.
- The major street fund budget is up due to street sweeping being moved to this fund.
- To reduce expenditures, all avenues, such as collaborations, outsourcing of services, elimination of car allowances, etc., need to be explored before additional fees are placed on the citizens.

City Manager Brown requested that specific questions be sent to him as soon as possible so staff could be prepared to respond at the May 16, 2012, Special City Council meeting.

Mayor Repp noted that with City revenues declining, as well as state revenue sharing declining, it is commendable that staff has been able to continue to provide services to the residents. While the processes might be different, cuts to services have not been made as yet.

On motion (8:13 p.m.), meeting adjourned.

TRUDY L. LOUIS  
Assistant City Clerk

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**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, May 14, 2012, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.**

The meeting was called to order by Mayor Repp.

Present: Mayor Repp; Councilmembers Archibald, Cole, Harris, Lewandowski, Moeller and Ruiz.

The minutes of the regular meeting of April 23, 2012, and the special meeting of May 7, 2012, were approved.

**PUBLIC HEARINGS**

**1. The Mayor** announced that this was the time to hear comments on the proposed amendment of the Tax Increment Financing and Development Plan for the Peerless Site Development Area.

Kathleen McCready, 14th Street, commented that she was unsure if she was for or against the amendment because it was unknown if the amended TIFA plan would see the same benefits that the original plan did.

Donna Klune commented in opposition to extending the plan and would rather see the captured dollars be returned to the General Fund to help pay for the City's CSO debt payments.

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

WHEREAS, on September 23, 1985, the Port Huron City Council adopted Resolution #2b, hereby incorporated by reference, which approved the Tax Increment Financing and Development Plan for the Peerless Site Development Area ("Plan"), with boundaries generally described as the St. Clair River on the east, State Street on the north, Alley #134 and Stone Street on the west, and Whipple and Thomas Streets on the south; and

WHEREAS, the proposed public uses of the land within the development area included the sites for a second span of the Blue Water Bridge, a public access road to the proposed hotel (Thomas Edison Inn), relocation of existing railroad tracks, development of a waterfront area (Thomas Edison Parkway), 9.8 acres for future development (Edison Shores), and 3.5 acres for U. S. Coast Guard access and for public recreation; and

WHEREAS, the Plan commenced on July 1, 1986, and was to continue for 30 years from the date of issuance of the last series of bonds with a possible extension allowed if the Plan needed to be amended or modified to facilitate future development activities within part or all of the site;

WHEREAS, St. Clair County and the City of Port Huron desire to facilitate additional development of the site to include purchase and renovation of the Thomas Edison Inn, site preparation to accommodate construction of a convention center, construction of an educational facility, and related site improvements; and

WHEREAS, to facilitate continued development of the area, it is necessary to extend the plan for a period not to exceed 30 years; and

WHEREAS, St. Clair County shall receive the tax increment revenues captured from the development area for the period of the term of bonds issued by St. Clair County to construct the convention center within the development site and, thereafter, the City of Port Huron shall resume receiving tax increment revenues captured from the development area during said period; and

WHEREAS, on March 28, 2012, the Port Huron Tax Increment Finance Authority approved amendments to the Development Plan and the Tax Increment Financing Plan ("TIF Plan") for the Peerless Site Development Area and recommended the City Council approve and adopt the amendments; and

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council reaffirms and restates the findings of Resolution #2b adopted on September 23, 1985, and approves and adopts the amendments as follows:

1. Development Plan: Paragraph D, is amended to include a proposed public land use for a convention center to be constructed and owned by St. Clair County.

2. Development Plan: Paragraph E, is amended to include a convention center to be constructed and owned by St. Clair County as an improvement.

3. TIF Plan: Paragraph D, is amended to provide that the tax increment revenues generated shall first be used to pay the St. Clair County debt retirement for the St. Clair County Convention Center for a period not to exceed 30 years.

4. TIF Plan: Paragraph E, is amended to extend the plan for 30 years. (See City Clerk File #12-58)

Motion adopted by the following vote:

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

**2. The Mayor** announced that this was the time to hear comments on the Consolidated Annual Performance Evaluation Report (CAPER) for the Community Development Division.

No one appeared to be heard.

**The Mayor** declared the hearing closed.

**3. The Mayor** announced that this was the time to hear comments on the tentative budget for the Port Huron Downtown Development Authority for the 2012-2013 fiscal year.

No one appeared to be heard.

**The Mayor** declared the hearing closed.

**4. The Mayor** announced that this was the time to hear comments on the proposed Capital Improvement Program.

No one appeared to be heard.

**The Mayor** declared the hearing closed.

5. **The Mayor** announced that this was the time to hear comments on the proposed 2012-2013 budget.

John Ogden, Director of Finance, provided an overview of the budget in a slide presentation (see City Clerk File #12-59).

**The Mayor** declared the hearing closed.

### PUBLIC COMMENT

1. Donna Klune questioned why as a member of the Brownfield Authority she was not aware of the community college's communication notifying the City that they wish to opt out and exempt their taxes from capture by the Water Street Redevelopment Brownfield Plan.

2. Kathleen McCready, 14th Street, commented that the Harrison Pointe Neighborhood Watch Association was sponsoring a cleanup of their neighborhood on Saturday, May 19.

3. Sharon Bender, South Boulevard, questioned if anyone living within the Peerless TIFA District had commented on the plan. She also commented that more funding for police protection should be included in the budget and that there is a need to determine why businesses are closing in the area.

4. Carl Fese, 921 Wall Street, commented that deeper budget cuts and/or service changes should have been done to fund more police officers before the administrative fee was considered.

### CONSENT AGENDA

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

### COMMUNICATIONS & PETITIONS

\***C-1.** Received and filed a resolution from the St. Clair County Community College board exempting their taxes from capture for the Brownfield Plan for the 2011-2025 Water Street Redevelopment Project.

Adopted by consent.

\***C-2.** Received, filed and referred to administration for a report an e-mail from Jeffery Young requesting permission to remove the sidewalk on the west side of his rental property at 1532 Lyon Street.

Adopted by consent.

### FROM THE CITY MANAGER

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

On April 27, 2012, 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:

M & M Pavement Marking (Grand Blanc, MI)	\$ 9,142.04
R. S. Contracting Inc. (Casco, MI)	\$10,017.20
P. K. Contracting (Troy, MI)	\$14,800.27

It is recommended that the unit price bid of M & M Pavement Marking, P. O. Box 530, Grand Blanc, Michigan 48480, in the estimated amount of Nine Thousand One Hundred Forty-Two and 04/100 Dollars (\$9,142.04) 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, Cole, Harris, Lewandowski and Ruiz.  
No: Councilmember Moeller.  
Absent: None.

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

On April 27, 2012, the City of Port Huron received three (3) bids for an office roof replacement at 2656 24th Street, owned by the City of Port Huron and currently leased to ALD Thermal Treatment:

VJM Design and Build (Waterford, MI)	\$ 49,495.00
Sanctum Contracting (Yale, MI)	\$ 82,340.00
Zimmer Roofing & Construction (Port Huron, MI)	\$121,299.00

It is recommended that the bid of VJM Design and Build, 1321 Bamford Drive, Waterford, Michigan 48328, in the amount of Forty-Nine Thousand Four Hundred Ninety-Five and 00/100 Dollars (\$49,495.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

\***CM-3.** Received and filed the Quarterly Financial Report for the nine month period ending March 31, 2012, in accordance with Section 6-9 of the City Charter (see City Clerk File # 12-60).

Adopted by consent.

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

On May 7, 2012, the City of Port Huron received three (3) bids for the resurfacing of the Sanborn Tennis Courts:

Arnt Asphalt Sealing Inc. (Benton Harbor, MI)	\$21,700.00
The CourtSmiths (Toledo, OH)	\$25,985.00
Goddard Coatings Sport Surfaces (Lake Orion, MI)	\$33,900.00

It is recommended that the bid of Arnt Asphalt Sealing Inc., 1240 South Crystal Avenue, Benton Harbor, Michigan 49022, in the amount of Twenty-One Thousand Seven Hundred and 00/100 Dollars (\$21,700.00) 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, Cole, Harris, Lewandowski and Ruiz.
- No: Councilmember Moeller.
- Absent: None.

**RESOLUTIONS**

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

BE IT RESOLVED that the Finance Director is hereby authorized to pay the attached payments (see City Clerk File # 12-01).

Motion adopted unanimously.

**\*R-2. WHEREAS**, on February 27, 2012, 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:

**Enigma & Rum & Whisky Runnerz**  
400 Quay Street, Class C/SDM, a/k/a Bar Works, Inc.,  
Income tax reporting/payments;

WHEREAS, all payments have been made by Enigma & Rum & Whisky Runnerz (Bar Works, Inc.);

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby recommends approval of Enigma & Rum & Whisky Runnerz's (Bar Works, Inc.) Class C/SDM license for the 2012-13 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-3. Councilmember Cole** moved the adoption of the following resolution, seconded by Councilmember Archibald:

WHEREAS, during the 2012, 2013 and 2014 construction seasons, it will be necessary to have professional licensed surveyors and inspection service work performed on the various projects being undertaken in the City; and

WHEREAS, the City currently has one construction inspector and during the busier summer months the inspector needs the assistance of additional professional surveying and inspection services to complete the construction projects; and

WHEREAS, since 2005 the City has contracted with an outside contractor at a annual cost of approximately \$100,000 and it has been determined that it continues to be a more cost effective method to hire an outside contractor to perform the services rather than hire two additional employees to cover this work load; and

WHEREAS, requests for proposals were sent to four engineering firms and based upon their responses and evaluation of the proposals submitted, BMJ Engineers & Surveyors, Inc., is the appropriate firm to provide these services;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with BMJ Engineers & Surveyors, Inc., for professional surveying and inspection services during the 2012, 2013 and 2014 construction seasons and authorizes the appropriate City officials to execute the agreement (see City Clerk File # 12-61).

Motion adopted unanimously.

**\*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 \$157.34 for special trash pickup in the right-of-way upon the lots and premises described in the attached special assessment report (see City Clerk File # 12-62).

Property #	Property Description	Costs
74-06-437-0010-000	1918 12 <sup>th</sup> Street	\$ 157.34

Adopted by consent.

**\*R-5. WHEREAS**, a report has been submitted for costs incurred by the City of Port Huron for removal of noxious weeds or unlawful growths or blighting factors; and

WHEREAS, the costs for removing noxious weeds or unlawful growths or blighting factors shall be assessed to the property owners pursuant to Chapter 22, Sections 22-83 and 22-108, City of Port Huron Code of Ordinances; and

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



NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot assessments totaling \$210.00 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 # 12-63).

<b>Property #</b>	<b>Property Description</b>	<b>Costs</b>
74-06-514-0039-000	2635 10th Avenue	\$ 210.00

Adopted by consent.

#### **MOTIONS & MISCELLANEOUS BUSINESS**

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

A special City Council meeting will be held on May 16 at 5 p.m. to discuss the budget.

City offices will be closed May 28 in observance of Memorial Day. The next regular City Council meeting will be on Tuesday, May 29, at 7:00 p.m.

**2. Councilmember Moeller** thanked the individuals responsible for getting his email fixed.

On motion (7:55 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 16, 2012, 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, Cole, Harris, Lewandowski and Ruiz.

Absent: Councilmember Moeller.

**PUBLIC COMMENT**

No one appeared to be heard.

**MISCELLANEOUS BUSINESS**

1. Bruce Brown, City Manager, commented that the proposed revenue source from the collection of a property tax administrative fee will be eliminated from the proposed budget and that before the next regular meeting he will determine where reductions will occur in order to balance the budget.
2. Department heads provided an historical and current review of their departments and highlighted areas where cost savings and/or increases have occurred and any changes in operations and/or service delivery. Also mentioned were staff reductions over the last number of years and the challenges that have arisen.

NOTE: At 7:55 p.m. Council took a break and returned at 8:05 p.m.

Some of the other areas that were discussed included legal expenses have not declined to the level that had been first predicted, energy saving calculations are still being finalized but savings at the wastewater plant have been substantial, what are the various expenses paid for by the City for the Port Huron Museum, funding for new recreational programs has been offset by collaborations and various grants received, if staffing levels for engineering division will be reduced after CSO and outsourcing of the motor vehicle pool.

Several Councilmembers mentioned that adding police officers was key to improving and maintaining quality of life in the neighborhoods and that while they appreciated adjustments in other departments, it was clear that the increases in police officers is a priority.

On motion (9:43 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 Tuesday, May 29, 2012, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.**

The meeting was called to order by Mayor Repp.

Present: Mayor Repp; Councilmembers Archibald, Cole, Harris, Lewandowski, Moeller and Ruiz.

The minutes of the regular meeting of May 14, 2012, and the special meeting of May 16, 2012, were approved.

**PUBLIC HEARINGS**

**1. The Mayor** announced that this was the time to hear comments on the application of GMT, Britt Manufacturing Company, 2600 - 20th Street, for an Industrial Facilities Exemption Certificate for personal property (new machinery and equipment).

Joe McCulloch, EDA of St. Clair County, and Mark Ward, President and founder of Britt Manufacturing, provided an overview of the company (manufacturing background, capability, historical investment, plans for the future and the abatement investment).

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

WHEREAS, pursuant to PA 198 of 1974, as amended, the Port Huron City Council by resolution established an Industrial Development District in the area bound by 16th Street on the east, 24th Street on the west, Dove Street on the south and the C&O Railroad ROW on the north after a duly noticed public hearing was held on December 27, 1976; and

WHEREAS, GMT, Britt Manufacturing Company, 2600 - 20th Street, has filed an application for an Industrial Facilities Exemption Certificate with respect to new machinery and equipment; and

WHEREAS, before acting on said application, the Port Huron City Council held a public hearing on May 29, 2012, at the Municipal Office Center, 100 McMorran Boulevard, Port Huron, Michigan, in the Public Meeting Room, at 7:00 p.m., at which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, installation of new machinery and equipment had not begun earlier than six (6) months before April 24, 2012, the date of acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will, at the time of issuance of the certificate, have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Port Huron; and

WHEREAS, the aggregate SEV of real and personal property exemption from ad valorem taxes within the City of Port Huron, after granting this certificate will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under PA 198 of 1974, as amended and PA 225 of 1978, as amended, shall not have the effect of substantially impeding the operation of the City of Port Huron, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Port Huron; and

BE IT FURTHER RESOLVED that the application from GMT, Britt Manufacturing Company for an Industrial Facilities Exemption Certificate, with respect to the installation of new machinery and equipment on the following described parcel of real property situation within the Industrial Development District, to wit, be the same is hereby approved:

E634.61' OF W 667.61' OUTLOT A ASSESSOR'S TWENTY-FOURTH STREET PLAT EX S 1150' AND THAT PART OF E.634.61' OF W 667.61' OF LOT 5 ASSESSOR'S PLAT OF JANE A WHITE LAND LYING S OF A LINE 725' S OF AND PARR WITH BEARD STREET OWNED & OCCUPIED AS ONE PARCEL (Parcel #74-06-182-0041-000)

BE IT FURTHER RESOLVED that the Industrial Facilities Exemption Certificate, when issued, shall be and remain in force for a period of six (6) years for personal property;

BE IT FURTHER RESOLVED that the appropriate City officials are hereby authorized to sign the necessary documents and agreements and to forward the application to the State Tax Commission.

Motion adopted by the following vote:

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

**2. The Mayor** announced that this was the time to hear comments on the application of GMT, Britt Manufacturing Company, 2600 - 20th Street, to transfer the remaining three years of their Industrial Facilities Exemption Certificate #2007-574 for personal property from another local unit of government to the City.

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 Archibald:

WHEREAS, pursuant to PA 198 of 1974, as amended, the Port Huron City Council by resolution established an Industrial Development District in the area bound by 16th Street on the east, 24th Street on the west, Dove Street on the south and the C&O Railroad ROW on the north after a duly noticed public hearing was held on December 27, 1976; and

WHEREAS, GMT, Britt Manufacturing Company, 2600 - 20th Street, has filed an application to transfer the remaining three (3) years of their *IFEC Certificate #2007-574*, which was previously issued at their former location in Port Huron Township, with respect to machinery and equipment; and

WHEREAS, before acting on said application, the Port Huron City Council held a public hearing on May 29, 2012, at the Municipal Office Center, 100 McMorran Boulevard, Port Huron, Michigan, in the Public Meeting Room, at 7:00 p.m., at which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, GMT, Britt Manufacturing Company has substantially met all of the requirements under Public Act 198 of 1974 for the transfer of this Industrial Facilities Exemption Certificate; and

WHEREAS, the aggregate SEV of real and personal property exemption from ad valorem taxes within the City of Port Huron, after granting this transfer certificate request will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council finds and determines that the granting of the transfer of *IFEC Certificate #2007-574* considered together with the aggregate amount of certificates previously granted and currently in force under PA 198 of 1974, as amended and PA 225 of 1978, as amended, shall not have the effect of substantially impeding the operation of the City of Port Huron, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Port Huron; and

BE IT FURTHER RESOLVED that the application from GMT, Britt Manufacturing Company to transfer the remaining three (3) years of their *IFEC Certificate #2007-574* with respect to the transfer of machinery and equipment on the following described parcel of real property situation within the Industrial Development District, to wit, be the same is hereby approved:

E634.61' OF W 667.61' OUTLOT A ASSESSOR'S TWENTY-FOURTH STREET PLAT EX S 1150' AND THAT PART OF E.634.61' OF W 667.61' OF LOT 5 ASSESSOR'S PLAT OF JANE A WHITE LAND LYING S OF A LINE 725' S OF AND PARR WITH BEARD STREET OWNED & OCCUPIED AS ONE PARCEL (Parcel #74-06-182-0041-000)

BE IT FURTHER RESOLVED that the transfer of this Industrial Facilities Exemption Certificate, when issued, shall be and remain in force for the remaining three (3) years existing on this certificate for personal property through December 30, 2015;

BE IT FURTHER RESOLVED that the appropriate City officials are hereby authorized to sign the necessary documents and agreements and to forward the application to the State Tax Commission.

Motion adopted unanimously.

**3. The Mayor** announced that this was the time to hear comments on the application of GMT, Britt Manufacturing Company, 2600 - 20th Street, to transfer the remaining five years of their Industrial Facilities Exemption Certificate #2010-100 for personal property from another local unit of government to the City.

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 Harris:

WHEREAS, pursuant to PA 198 of 1974, as amended, the Port Huron City Council by resolution established an Industrial Development District in the area bound by 16th Street on the east, 24th Street on the west, Dove Street on the south and the C&O Railroad ROW on the north after a duly noticed public hearing was held on December 27, 1976; and

WHEREAS, GMT, Britt Manufacturing Company, 2600 - 20th Street, has filed an application to transfer the remaining five (5) years of their *IFEC Certificate #2010-100*, which was previously issued at their former location in Port Huron Township, with respect to machinery and equipment; and

WHEREAS, before acting on said application, the Port Huron City Council held a public hearing on May 29, 2012, at the Municipal Office Center, 100 McMorran Boulevard, Port Huron, Michigan, in the Public Meeting Room, at 7:00 p.m., at which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, GMT, Britt Manufacturing Company has substantially met all of the requirements under Public Act 198 of 1974 for the transfer of this Industrial Facilities Exemption Certificate; and

WHEREAS, the aggregate SEV of real and personal property exemption from ad valorem taxes within the City of Port Huron, after granting this transfer certificate request will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council finds and determines that the granting of the transfer of *IFEC Certificate #2010-100* considered together with the aggregate amount of certificates previously granted and currently in force under PA 198 of 1974, as amended and PA 225 of 1978, as amended, shall not have the effect of substantially impeding the operation of the City of Port Huron, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Port Huron; and

BE IT FURTHER RESOLVED that the application from GMT, Britt Manufacturing Company to transfer the remaining three (3) years of their *IFEC Certificate #2010-100* with respect to the transfer of machinery and equipment on the following described parcel of real property situation within the Industrial Development District, to wit, be the same is hereby approved:

E634.61' OF W 667.61' OUTLOT A ASSESSOR'S TWENTY-FOURTH STREET PLAT EX S 1150' AND THAT PART OF E.634.61' OF W 667.61' OF LOT 5 ASSESSOR'S PLAT OF JANE A WHITE LAND LYING S OF A LINE 725' S OF AND PARR WITH BEARD STREET OWNED & OCCUPIED AS ONE PARCEL (Parcel #74-06-182-0041-000)

BE IT FURTHER RESOLVED that the transfer of this Industrial Facilities Exemption Certificate, when issued, shall be and remain in force for the remaining five (5) years existing on this certificate for personal property through December 30, 2017;

BE IT FURTHER RESOLVED that the appropriate City officials are hereby authorized to sign the necessary documents and agreements and to forward the application to the State Tax Commission.

Motion adopted unanimously.

**PUBLIC COMMENT**

1. James Relken, Jack Pine Lane, thanked the various companies, individuals, City employees and the community who assisted with the Honor Our Heritage project in Lakeside Cemetery.
2. Garth Gurnsey commented about creating awareness of the Port Huron Wounded Warriors project.

**CONSENT AGENDA**

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

**FROM THE CITY MANAGER**

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

On May 17, 2012, the City of Port Huron received eight (8) bids for brick repairs at the Wastewater Treatment Plant:

Chimnee Cricket (Livonia, MI)	\$11,740.00
Mark 1 Limited (Detroit, MI)	\$14,900.00
National Restoration, Inc. (Keego Harbor, MI)	\$16,900.00
Walter's Masonry (Clyde, MI)	\$20,470.00
Clyde's Concrete & Masonry (Burtchville, MI)	\$26,600.00
DRV Joint Sealants (Shelby Twp, MI)	\$33,760.00
Ram Construction Services (Livonia, MI)	\$43,900.00
Luigi Ferdinandi & Cement Co., Inc. (Roseville, MI)	\$56,400.00

It is recommended that the bid of Chimnee Cricket, 32551 Schoolcraft Road, Livonia, Michigan 48150, in the amount of Eleven Thousand Seven Hundred Forty and 00/100 Dollars (\$11,740.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

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

The City Council is authorized under City Code to require owners of lots and premises to install and maintain sidewalks in the public streets adjacent to and abutting upon such lots and premises. When a request to remove a sidewalk is received, the City Council has the ability to authorize its removal.

At the May 14 2012, regular meeting, the City Council referred to administration for a report and recommendation a communication that was received from Jeffrey Young, owner of 1532 Lyon Street, requesting permission to remove the sidewalk located on the west side of his property.

The Department of Public Works has conducted a review of the matter and has no objection to approving the request to remove approximately 57 linear feet of public sidewalk along the west side of 1532 Lyon Street for the following reasons:

- The City received a complaint on April 16, 2012, regarding a sidewalk in disrepair located 1532 Lyon Street. An inspection was conducted and it was determined that the sidewalk was in a state of disrepair. The property owner was put on notice to repair April 25, 2012.
- On April 30, 2012, the property owner called and requested to remove the sidewalk instead of repairing it because it was not part of a sidewalk system.
- On May 8, 2012, the City Clerk received a written request from Jeff Young, owner of 1532 Lyon Street, requesting permission to remove the sidewalk.
- An inspection was done to determine if there was an existing sidewalk system in place. There are no other existing sidewalks on the west side of 12<sup>th</sup> Avenue.

It is City Administration's recommendation that the request of Jeffrey Young for the removal of that section of the sidewalk along Lyon Street only adjacent to 12th Avenue be approved at no expense to the City since this portion of the sidewalk is not a part of an existing sidewalk system and is essentially a sidewalk to nowhere.

It is further recommended that the right-of-way permit required to be obtained by Mr. Jeffrey Young for the removal of this sidewalk include language that in the future should the City Council order a sidewalk to be reinstalled that it will be done at no cost to the City of Port Huron.

Motion adopted unanimously.

**RESOLUTIONS**

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

WHEREAS, the Capital Improvement Program for 2012-2013 through 2017-2018 has been prepared (City Clerk File #12-64);

WHEREAS, a draft of this Capital Improvement Program was reviewed by the City's Planning Commission and they recommended approval of the plan at their May 1, 2012 meeting; and

WHEREAS, City Council hereby conducted a public hearing on Monday, May 14, 2012, at 7:00 p.m., in the Public Meeting Room, Municipal Office Center, to hear comments from interested citizens about the proposed Capital Improvement Program;

BE IT FURTHER RESOLVED that the Capital Improvement Program for the 2012-2013 through 2017-2018 fiscal years be adopted as a guide for capital expenditures during this period.

Motion adopted unanimously.

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

WHEREAS, the City of Port Huron and the City of Marysville are local governments with contiguous boundaries and both provide fire and emergency medical services within their respective boundaries; and

WHEREAS, for decades the cities of Port Huron and Marysville have been parties to a Mutual Aid Agreement under which they provide fire services to each other when necessary to address emergencies within their respective jurisdictions; and

WHEREAS, the parties have reviewed their operations to determine if they could increase efficiencies and save costs by operating their respective departments as a single unit for some operational purposes and have concluded that it is in the best interest of both cities to proceed with such an arrangement; and

WHEREAS, an Intergovernmental Agreement under Act 7 to join some operations of the Port Huron Fire Department and the Marysville Fire Department has been prepared;

NOW, THEREFORE, BE IT RESOLVED that the City Council for the City of Port Huron does hereby approve the Intergovernmental Agreement with the City of Marysville to join some operations of the Port Huron Fire Department and the Marysville Fire Department (see City Clerk File #12-65).

Motion adopted by the following vote:

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

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

WHEREAS, the taxable value of the ad valorem real and personal property in the City of Port Huron has been determined to be \$626,118,974, plus \$31,332,526 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, 2012 and ending June 30, 2013 is hereby determined and adopted as follows:

**GENERAL FUND:**

Means of financing:	
Estimated designated fund balance	\$ 192,308
Property taxes	6,835,000
Income tax	5,775,000
Business licenses and permits	340,000
Nonbusiness licenses and permits	265,000
Grants	264,000
State shared revenues	3,100,000
Charges for services	800,000
Fines and forfeits	125,000
Investment income	175,000
Rents	355,000

Sale of assets	3,000	
Charges to other funds	<u>1,852,912</u>	<u>\$ 20,082,220</u>
Estimated requirements:		
Ordinary recurring expenses	\$ 19,892,070	
Transfers	3,300	
Capital outlay	<u>186,850</u>	<u>\$ 20,082,220</u>

**MAJOR STREETS FUND:**

Means of financing:		
Estimated designated fund balance	\$ 3,334	
State shared revenues	1,682,000	
Trunkline maintenance	282,833	
State grants	2,460,000	
Transfer from Municipal streets to Major streets	<u>2,225,000</u>	<u>\$ 6,653,167</u>
Estimated requirements:		
Ordinary recurring expenses	\$ 2,173,167	
Capital outlay and street improvements	<u>4,480,000</u>	<u>\$ 6,653,167</u>

**LOCAL STREETS FUND:**

Means of financing:		
Estimated designated fund balance	\$ 19,367	
State shared revenues	512,000	
Transfer from Major streets to Local streets	430,000	
Transfer from Municipal streets to Local streets	<u>700,000</u>	<u>\$ 1,661,367</u>
Estimated requirements:		
Ordinary recurring expenses	\$ 1,071,367	
Capital outlay and street improvements	<u>590,000</u>	<u>\$ 1,661,367</u>

**MUNICIPAL STREETS FUND:**

Means of financing:		
Estimated designated fund balance	\$ 2,481,821	
Taxes - Street millage	1,615,000	
Investment income	<u>10,000</u>	<u>\$ 4,106,821</u>
Estimated requirements:		
Ordinary recurring expenses		<u>\$ 4,106,821</u>

**CEMETERY FUND:**

Means of financing:		
Estimated designated fund balance	\$ 1,501	
Foundations	12,000	
Graveside interments	50,000	
Chapel interments	55,000	
Other services	10,000	
Transfer from Cemetery perpetual care fund	<u>245,000</u>	<u>\$ 373,501</u>
Estimated requirements:		
Ordinary recurring expenses	\$ 362,001	
Capital outlay	<u>11,500</u>	<u>\$ 373,501</u>

**GARBAGE AND RUBBISH COLLECTION FUND:**

Means of financing:		
Estimated designated fund balance	\$ 330,857	
Taxes	<u>1,655,000</u>	<u>\$ 1,985,857</u>
Estimated requirements:		
Ordinary recurring expenses		<u>\$ 1,985,857</u>

**RENTAL CERTIFICATION FUND:**

Means of financing:		
Charges for services		<u>\$ 217,495</u>
Estimated requirements:		
Ordinary recurring expenses		<u>\$ 217,495</u>

**O.U.I.L. FUND:**

Means of financing:		
Fines and forfeits		<u>\$ 17,000</u>
Estimated requirements:		
Ordinary recurring expenses	\$ 7,000	
Capital outlay	<u>10,000</u>	<u>\$ 17,000</u>

**DRUG LAW ENFORCEMENT FUND:**

Means of financing:		
Fines and forfeits		<u>\$ 50,000</u>
Estimated requirements:		
Ordinary recurring expenses	\$ 10,000	
Capital outlay	<u>40,000</u>	<u>\$ 50,000</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>\$ 655,930</u>
Estimated requirements:		
Ordinary recurring expenses	\$ 131,186	
Capital outlay	<u>524,744</u>	<u>\$ 655,930</u>

**NEIGHBORHOOD REHABILITATION FUND:**

Means of financing:		
Grant		<u>\$ 1,095,475</u>
Estimated requirements:		
Ordinary recurring expenses	\$ 79,055	
Capital outlay	<u>1,016,420</u>	<u>\$ 1,095,475</u>

**HOME PROGRAM FUND:**

Means of financing:		
Grants		<u>\$ 184,052</u>
Estimated requirements:		
Ordinary recurring expenses	\$ 18,405	
Capital outlay	<u>165,647</u>	<u>\$ 184,052</u>

**STREETSCAPE MAINTENANCE FUND:**

Means of financing:		
Estimated designated fund balance	\$ 22,500	
Charges for services	25,175	
Transfer from TIF districts	<u>22,325</u>	<u>\$ 70,000</u>
Estimated requirements:		
Ordinary recurring expenses	\$ 46,000	
Capital outlay	<u>24,000</u>	<u>\$ 70,000</u>

**BEAUTIFICATION COMMISSION FUND:**

Means of financing:		
Estimated designated fund balance	\$ 1,500	
Miscellaneous	2,500	
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	\$ 125,687	
Charges for services	30,000	
Grant	65,000	
Transfer from Land Purchase fund	<u>135,000</u>	<u>\$ 355,687</u>
Estimated requirements:		
Ordinary recurring expenses	\$ 230,687	
Capital outlay	<u>125,000</u>	<u>\$ 355,687</u>

**LAND PURCHASE FUND:**

Means of financing:		
Estimated designated fund balance	\$ 1,076,000	
Investment income	75,000	
Rents	230,000	
Other income	10,000	
Transfer from tax increment funds	<u>1,089,000</u>	<u>\$ 2,480,000</u>
Estimated requirements:		
Ordinary recurring expenses	\$ 2,455,000	
Capital outlay	<u>25,000</u>	<u>\$ 2,480,000</u>

**PARKING FUND:**

Means of financing:		
Estimated designated fund balance	\$ 6,175	
Street meters	33,000	
Parking lots	2,000	
Annual permits	25,000	
Transfer from Land Purchase fund	<u>45,000</u>	<u>\$ 111,175</u>
Estimated requirements:		
Ordinary recurring expenses		<u>\$ 111,175</u>

**WATER FUND:**

Means of financing:		
Estimated designated fund balance	\$ 111,096	
Sale of water	6,437,587	
Charges for services	136,840	
Investment income	5,000	
Tax increment funds – construction projects	180,000	
Proceeds from long-term revenue bonds	3,210,000	
Pro rata share of water administration and meter reading budget reimbursed from Wastewater fund	623,828	
Transfer from Land purchase fund	<u>575,000</u>	<u>\$ 11,279,351</u>
Estimated requirements:		
Ordinary recurring expenses	\$ 3,931,851	
Debt service	3,928,500	
Capital outlay	<u>3,419,000</u>	<u>\$ 11,279,351</u>



**WASTEWATER FUND:**

Means of financing:			
Estimated designated fund balance	\$ 1,933,470		
Charges for services	8,185,059		
Other income	30,000		
Investment income	50,000		
Tax increment funds – construction projects	110,000		
Proceeds for operating and capital costs	1,670,000		
Proceeds from long-term revenue bonds	3,980,000		
Transfer from governmental funds	685,000		
Transfer from Land purchase fund	<u>1,675,000</u>	<u>\$ 18,318,529</u>	
Estimated requirements:			
Ordinary recurring expenses	\$ 6,944,329		
Debt service	7,223,000		
Capital outlay	<u>4,151,200</u>	<u>\$ 18,318,529</u>	

**CENTRAL STORES FUND:**

Means of financing:			
Charges for services		<u>\$ 128,052</u>	
Estimated requirements:			
Ordinary recurring expense	\$ 122,852		
Capital outlay	<u>5,200</u>	<u>\$ 128,052</u>	

**DATA PROCESSING FUND:**

Means of financing:			
Estimated designated fund balance	\$ 196,780		
Charges for services	<u>486,024</u>	<u>\$ 682,804</u>	
Estimated requirements:			
Ordinary recurring expenses	\$ 637,804		
Capital outlay	<u>45,000</u>	<u>\$ 682,804</u>	

**MOTOR VEHICLE FUND:**

Means of financing:			
Estimated designated fund balance	\$ 348,235		
Charges for services	<u>1,935,000</u>	<u>\$ 2,283,235</u>	
Estimated requirements:			
Ordinary recurring expenses	\$ 1,686,235		
Capital outlay	<u>597,000</u>	<u>\$ 2,283,235</u>	

**ENERGY PERFORMANCE SERVICES FUND:**

Means of financing:			
Charges for services		<u>\$ 300,000</u>	
Estimated requirements:			
Ordinary recurring expense	\$ 10,000		
Debt service	<u>290,000</u>	<u>\$ 300,000</u>	

**INSURANCE AND FRINGE BENEFIT FUND:**

Means of financing:			
Estimated designated fund balance	\$ 835,000		
Charges for services	<u>9,738,000</u>	<u>\$ 10,573,000</u>	
Estimated requirements:			
Ordinary recurring expenses		<u>\$ 10,573,000</u>	

**INDUSTRIAL PARK TAX INCREMENT FUND:**

Means of financing:			
Estimated designated fund balance	\$ 350,000		
Taxes	<u>1,122,000</u>	<u>\$ 1,472,000</u>	
Estimated requirements:			
Ordinary recurring expenses - Taxes not captured	\$ 1,122,000		
Contractual services – Industrial development	50,000		
Capital outlay	<u>300,000</u>	<u>\$ 1,472,000</u>	

**PAPER COMPANY TAX INCREMENT FUND:**

Means of financing:			
Estimated designated fund balance	\$ 100,000		
Taxes	<u>275,000</u>	<u>\$ 375,000</u>	
Estimated requirements:			
Ordinary recurring expenses - Taxes not captured	\$ 275,000		
Contractual services	<u>100,000</u>	<u>\$ 375,000</u>	

**KRAFFT-HOLLAND TAX INCREMENT FUND:**

Means of financing:			
Estimated designated fund balance	\$ 25,000		
Taxes	<u>493,000</u>	<u>\$ 518,000</u>	
Estimated requirements:			
Ordinary recurring expenses - Taxes not captured	\$ 493,000		
Capital outlay	<u>25,000</u>	<u>\$ 518,000</u>	

**PEERLESS SITE TAX INCREMENT FUND:**

Means of financing:			
Taxes		<u>\$ 73,000</u>	
Estimated requirements:			
Ordinary recurring expense		<u>\$ 73,000</u>	

**DOWNTOWN DEVELOPMENT AUTHORITY (DDA)****OPERATING FUND:**

Means of financing:			
Estimated designated fund balance	\$ 175,000		
Taxes	71,000		
Downtown Port Huron activity:			
Dues	10,000		
Promotions and fees	50,000		
Support from DDA	<u>10,000</u>	<u>\$ 316,000</u>	
Estimated requirements:			
Ordinary recurring expenses	\$ 246,000		
Downtown Port Huron activities	<u>70,000</u>	<u>\$ 316,000</u>	

**WATER STREET DDA TAX INCREMENT FUND:**

Means of financing:			
Taxes		<u>\$ 405,000</u>	
Estimated requirements:			
Ordinary recurring expense	\$ 400,000		
Capital outlay	<u>5,000</u>	<u>\$ 405,000</u>	

**BANK DDA TAX INCREMENT FUND:**

Means of financing:			
Taxes		<u>\$ 7,000</u>	
Estimated requirements:			
Ordinary recurring expense		<u>\$ 7,000</u>	

**HARRINGTON HOTEL DDA TAX INCREMENT FUND:**

Means of financing:			
Estimated designated fund balance			<u>\$ 115,000</u>
Estimated requirements:			
Ordinary recurring expense	\$ 20,000		
Capital outlay	<u>95,000</u>		<u>\$ 115,000</u>

**EDISON REDEVELOPMENT DDA TAX INCREMENT FUND:**

Means of financing:			
Taxes			<u>\$ 397,000</u>
Estimated requirements:			
Ordinary recurring expenses	\$ 382,000		
Capital outlay	<u>15,000</u>		<u>\$ 397,000</u>

**MAINSTREET DDA TAX INCREMENT FUND:**

Means of financing:			
Estimated designated fund balance		\$ 75,000	
Taxes		<u>63,000</u>	<u>\$ 138,000</u>
Estimated requirements:			
Ordinary recurring expenses	\$ 24,100		
Capital outlay		<u>113,900</u>	<u>\$ 138,000</u>

**INDUSTRIAL PARK EXPANSION LOCAL DEVELOPMENT FINANCE TAX INCREMENT FUND:**

Means of financing:			
Taxes			<u>\$ 442,000</u>
Estimated requirements:			
Ordinary recurring expenses	\$ 367,000		
Capital outlay		<u>75,000</u>	<u>\$ 442,000</u>

**BROWNFIELD REDEVELOPMENT TAX INCREMENT FUND:**

Means of financing:			
Taxes			<u>\$ 287,000</u>
Estimated requirements:			
Ordinary recurring expenses			<u>\$ 287,000</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

**SCHEDULE OF ESTIMATED REQUIREMENTS BY BUDGET CLASSES**  
2012-2013

	<u>Personal Services</u>	<u>Supplies and Materials</u>	<u>Contractual Services</u>	<u>Total Recurring Expenses</u>	<u>Capital Outlay</u>	<u>Total</u>
<b><u>GENERAL FUND</u></b>						
General Government:						
City council	\$ 12,600	\$ 1,500	\$ 51,530	\$ 65,630		\$ 65,630
City manager	247,619	1,300	10,516	259,435		259,435
Elections	63,572	8,200	27,788	99,560		99,560
Finance and accounting	563,196	7,300	68,244	638,740		638,740
Income tax	230,828	24,486	39,647	294,961		294,961
Assessor	187,084	7,850	52,515	247,449		247,449
Legal		150	169,850	170,000		170,000
Clerk	209,592	1,660	18,931	230,183		230,183
Personnel	236,569	3,100	44,609	284,278		284,278
Purchasing	34,671	300	5,332	40,303		40,303
Board of review	1,800		500	2,300		2,300
Treasurer	119,218	10,400	41,340	170,958		170,958
Municipal office center	224,461	27,666	465,008	717,135	6,000	723,135
Promotional			15,000	15,000		15,000
	<u>2,131,210</u>	<u>93,912</u>	<u>1,010,810</u>	<u>3,235,932</u>	<u>6,000</u>	<u>3,241,932</u>
Public Safety:						
Police administration	735,588	25,830	124,572	885,990		885,990
Detectives	1,081,928	17,100	87,476	1,186,504		1,186,504
Patrol	4,673,768	112,685	406,922	5,193,375		5,193,375
Communications			124,340	124,340		124,340
Fire	4,485,911	189,677	315,221	4,990,809	8,850	4,999,659
	<u>10,977,195</u>	<u>345,292</u>	<u>1,058,531</u>	<u>12,381,018</u>	<u>8,850</u>	<u>12,389,868</u>
Public Works:						
Inspection	247,955	2,150	25,003	275,108		275,108
Emergency management		4,500	9,986	14,486	12,000	26,486
Public works administration	195,508	300	9,123	204,931		204,931
Engineering	258,359	6,400	51,788	316,547		316,547
Street lighting	10,512	1,000	843,860	855,372		855,372
Blight	96,627	1,150	5,505	103,282		103,282
	<u>808,961</u>	<u>15,500</u>	<u>945,265</u>	<u>1,769,726</u>	<u>12,000</u>	<u>1,781,726</u>

**SCHEDULE OF ESTIMATED REQUIREMENTS BY BUDGET CLASSES**  
2012-2013

	<u>Personal Services</u>	<u>Supplies and Materials</u>	<u>Contractual Services</u>	<u>Total Recurring Expenses</u>	<u>Capital Outlay</u>	<u>Total</u>
Senior Citizens:						
Wastewater and water discounts	\$	\$	\$ 3,000	\$ 3,000	\$	\$ 3,000
			<u>3,000</u>	<u>3,000</u>		<u>3,000</u>
Recreation, Parks and Culture:						
Parks and forestry	560,811	72,205	379,366	1,012,382	25,000	1,037,382
Boat launch ramps	6,148	3,200	12,850	22,198	40,000	62,198
Recreation	341,256	57,950	90,261	489,467		489,467
Rockin the rivers	1,230	2,850	44,000	48,080		48,080
20th and Court pool	27,702	11,528	31,795	71,025		71,025
Sanborn pool	60,684	13,846	32,900	107,430		107,430
Lighthouse park	327	1,800	850	2,977		2,977
Lakeside park	655	2,700	8,300	11,655		11,655
Palmer park recreation center	91,319	3,288	29,000	123,607		123,607
McMorran complex			200,000	200,000	50,000	250,000
Library			8,000	8,000		8,000
Museum	402	3,000	90,031	93,433		93,433
	<u>1,090,534</u>	<u>172,367</u>	<u>927,353</u>	<u>2,190,254</u>	<u>115,000</u>	<u>2,305,254</u>
Other Functions:						
Planning	73,848	3,250	13,268	90,366		90,366
Blue Water Bridge economic development plan			85,000	85,000		85,000
Telephone service		500	12,624	13,124		13,124
Projected personnel reductions	(150,000)			(150,000)		(150,000)
Contingencies			40,000	40,000		40,000
Insurance, health and safety	8,250	400	90,000	98,650		98,650
Taxes written off			15,000	15,000		15,000
Demolitions			120,000	120,000		120,000
	<u>(67,902)</u>	<u>4,150</u>	<u>375,892</u>	<u>312,140</u>		<u>312,140</u>
Subtotal	<u>14,939,998</u>	<u>631,221</u>	<u>4,320,851</u>	<u>19,892,070</u>	<u>141,850</u>	<u>20,033,920</u>
Public Improvements:						
Parks and recreation projects					45,000	45,000
					<u>45,000</u>	<u>45,000</u>
Subtotal	<u>14,939,998</u>	<u>631,221</u>	<u>4,320,851</u>	<u>19,892,070</u>	<u>186,850</u>	<u>20,078,920</u>
Transfer to Other Funds:						
Beautification commission fund			3,300	3,300		3,300
			<u>3,300</u>	<u>3,300</u>		<u>3,300</u>
<b>TOTAL GENERAL FUND</b>	<u>14,939,998</u>	<u>631,221</u>	<u>4,324,151</u>	<u>19,895,370</u>	<u>186,850</u>	<u>20,082,220</u>

**SPECIAL REVENUE FUNDS**

Street funds:						
Major streets	935,809	231,987	1,005,371	2,173,167	4,480,000	6,653,167
Local streets	596,032	136,003	339,332	1,071,367	590,000	1,661,367
Municipal streets	37,679	6,128	4,063,014	4,106,821		4,106,821
	<u>1,569,520</u>	<u>374,118</u>	<u>5,407,717</u>	<u>7,351,355</u>	<u>5,070,000</u>	<u>12,421,355</u>
Cemetery fund	233,053	27,080	101,868	362,001	11,500	373,501
Garbage and rubbish collection fund	104,927	8,100	1,872,830	1,985,857		1,985,857
Rental certification fund	192,209	5,100	20,186	217,495		217,495
OUIL fund		5,500	1,500	7,000	10,000	17,000
Drug law enforcement fund		5,000	5,000	10,000	40,000	50,000
Law enforcement fund		5,000		5,000		5,000
Enhanced 911 fund			85,000	85,000	25,000	110,000
Community development block grant fund	104,880	1,800	24,506	131,186	524,744	655,930
Neighborhood rehabilitation fund	53,582	500	24,973	79,055	1,016,420	1,095,475

**SCHEDULE OF ESTIMATED REQUIREMENTS BY BUDGET CLASSES**  
2012-2013

	Personal Services	Supplies and Materials	Contractual Services	Total Recurring Expenses	Capital Outlay	Total
<b><u>SPECIAL REVENUE FUNDS (Cont'd)</u></b>						
Home program fund	\$ 17,174	\$ 498	\$ 733	\$ 18,405	\$ 165,647	\$184,052
Streetscape maintenance fund	1,640	350	44,010	46,000	24,000	70,000
Beautification commission fund		6,500	800	7,300		7,300
<b>TOTAL SPECIAL REVENUE FUNDS</b>	<b>2,276,985</b>	<b>439,546</b>	<b>7,589,123</b>	<b>10,305,654</b>	<b>6,887,311</b>	<b>17,192,965</b>
<b><u>ENTERPRISE FUNDS</u></b>						
Marina fund	7,564	3,335	219,788	230,687	125,000	355,687
Land purchase fund			2,455,000	2,455,000	25,000	2,480,000
Parking fund	28,442	7,340	75,393	111,175		111,175
Water Fund:						
Treatment plant	869,991	174,693	927,508	1,972,192	19,000	1,991,192
Distribution	571,937	126,356	457,711	1,156,004	3,390,000	4,546,004
Customer accounting	147,873	28,600	80,036	256,509		256,509
Meter reading	361,408	56,806	128,932	547,146	10,000	557,146
Debt service			3,928,500	3,928,500		3,928,500
	<u>1,951,209</u>	<u>386,455</u>	<u>5,522,687</u>	<u>7,860,351</u>	<u>3,419,000</u>	<u>11,279,351</u>
Wastewater Fund:						
Treatment plant	1,909,564	445,654	2,350,887	4,706,105	1,211,200	5,917,305
Collection, general	875,270	120,026	1,164,550	2,159,846	2,940,000	5,099,846
Collection system no. 1			218	218		218
Collection system no. 2	8,192	6,000	20,033	34,225		34,225
Collection system no. 3	4,354	1,469	38,112	43,935		43,935
Debt service			7,223,000	7,223,000		7,223,000
	<u>2,797,380</u>	<u>573,149</u>	<u>10,796,800</u>	<u>14,167,329</u>	<u>4,151,200</u>	<u>18,318,529</u>
<b>TOTAL ENTERPRISE FUNDS</b>	<b>4,784,595</b>	<b>970,279</b>	<b>19,069,668</b>	<b>24,824,542</b>	<b>7,720,200</b>	<b>32,544,742</b>
<b><u>INTERNAL SERVICE FUNDS</u></b>						
Central stores fund	25,827	33,375	63,650	122,852	5,200	128,052
Data processing fund	394,826	70,800	172,178	637,804	45,000	682,804
Motor vehicle fund	610,572	465,450	610,213	1,686,235	597,000	2,283,235
Energy performance services fund			300,000	300,000		300,000
Insurance and fringe benefit fund	<u>9,854,500</u>	<u>500</u>	<u>718,000</u>	<u>10,573,000</u>		<u>10,573,000</u>
<b>TOTAL INTERNAL SERVICE FUNDS</b>	<b>10,885,725</b>	<b>570,125</b>	<b>1,864,041</b>	<b>13,319,891</b>	<b>647,200</b>	<b>13,967,091</b>
<b><u>TAX INCREMENT FUNDS</u></b>						
Industrial park tax increment fund			1,172,000	1,172,000	300,000	1,472,000
Paper company tax increment fund			375,000	375,000		375,000
Krafft-Holland tax increment fund			493,000	493,000	25,000	518,000
Peerless site tax increment fund			73,000	73,000		73,000
Downtown development authority operating fund			316,000	316,000		316,000
Water street tax increment fund			400,000	400,000	5,000	405,000
Bank tax increment fund			7,000	7,000		7,000
Harrington Hotel tax increment fund			20,000	20,000	95,000	115,000
Edison redevelopment tax increment fund			382,000	382,000	15,000	397,000
Mainstreet tax increment fund			24,100	24,100	113,900	138,000
Industrial park expansion tax increment fund			367,000	367,000	75,000	442,000
Brownfield redevelopment tax increment fund			287,000	287,000		287,000
<b>TOTAL TAX INCREMENT FUNDS</b>			<b>3,916,100</b>	<b>3,916,100</b>	<b>628,900</b>	<b>4,545,000</b>
<b>TOTAL ALL FUNDS</b>	<b>\$ 32,887,303</b>	<b>\$ 2,611,171</b>	<b>\$ 36,763,083</b>	<b>\$ 72,261,557</b>	<b>\$ 16,070,461</b>	<b>\$ 88,332,018</b>

**SCHEDULE OF ESTIMATED EXPENDITURES**  
2012-2013

	Actual		Budget			
	2009-2010	2010-2011	2011-2012	2012-2013	Increase	Decrease
<b><u>GENERAL FUND</u></b>						
General Government:						
City council	\$ 54,437	\$ 52,354	\$ 72,251	\$ 65,630	\$	\$ 6,621
Charter commission	3,353	7,083				
City manager	256,384	262,184	268,280	259,435		8,845
Elections	77,900	76,322	98,404	99,560	1,156	
Finance and accounting	652,722	672,019	661,865	638,740		23,125
Income tax	320,229	313,763	306,371	294,961		11,410
Assessor	345,306	354,712	292,461	247,449		45,012
Legal	135,516	150,885	170,000	170,000		
Clerk	213,667	223,705	225,508	230,183	4,675	
Personnel	262,379	282,671	293,891	284,278		9,613
Purchasing	38,849	38,032	40,087	40,303	216	
Board of review	2,239	2,239	2,600	2,300		300
Treasurer	203,600	195,839	189,995	170,958		19,037
Municipal office center	551,800	557,349	576,013	723,135	147,122	
Promotional	42,828	74,251	45,000	15,000		30,000
	<u>3,161,209</u>	<u>3,263,408</u>	<u>3,242,726</u>	<u>3,241,932</u>	<u>153,169</u>	<u>153,963</u>
Public Safety:						
Police administration	1,069,971	1,053,596	926,535	885,990		40,545
Detectives	1,022,672	1,054,086	1,122,231	1,186,504	64,273	
Patrol	5,389,711	5,376,796	4,906,092	5,193,375	287,283	
Communications	108,627	116,539	112,414	124,340	11,926	
Fire	5,203,427	5,361,840	5,274,447	4,999,659		274,788
Public safety - equipment grants	98,137	32,456				
	<u>12,892,545</u>	<u>12,995,313</u>	<u>12,341,719</u>	<u>12,389,868</u>	<u>363,482</u>	<u>315,333</u>
Public Works:						
Inspection	356,090	282,046	275,250	275,108		142
Emergency management	9,404	5,899	14,274	26,486	12,212	
Public works administration	200,766	207,003	205,959	204,931		1,028
Engineering	262,032	258,323	322,229	316,547		5,682
Street lighting	689,366	894,597	827,463	855,372	27,909	
Blight	130,205	101,443	93,854	103,282	9,428	
	<u>1,647,863</u>	<u>1,749,311</u>	<u>1,739,029</u>	<u>1,781,726</u>	<u>49,549</u>	<u>6,852</u>
Senior Citizens:						
Wastewater and water discounts	1,182	1,433	3,000	3,000		
Senior citizens transportation	12,102	11,531	11,531			11,531
	<u>13,284</u>	<u>12,964</u>	<u>14,531</u>	<u>3,000</u>		<u>11,531</u>
Recreation, Parks and Culture:						
Parks and forestry	1,009,344	966,446	988,042	1,037,382	49,340	
Boat launch ramps			62,198	62,198		
Recreation	607,109	502,950	460,249	489,467	29,218	
Rockin the rivers			42,605	48,080	5,475	
20th and Court pool	101,772	74,688	71,149	71,025		124
Sanborn pool	127,594	124,204	107,550	107,430		120
Lighthouse park	2,006	2,380	2,684	2,977	293	
Lakeside park	9,766	8,605	11,698	11,655		43
Palmer park recreation center	132,081	129,713	122,555	123,607	1,052	

**SCHEDULE OF ESTIMATED EXPENDITURES**  
2012-2013

	Actual		Budget			
	2009-2010	2010-2011	2011-2012	2012-2013	Increase	Decrease
Lightship	\$ 7,349	\$ 6,941	\$	\$	\$	\$
McMorran complex	285,000	320,000	250,000	250,000		
Library	8,000	8,000	8,000	8,000		
Museum	102,241	170,261	105,326	93,433		11,893
	<u>2,392,262</u>	<u>2,314,188</u>	<u>2,232,056</u>	<u>2,305,254</u>	<u>85,378</u>	<u>12,180</u>
Other Functions:						
Planning	175,781	126,509	94,593	90,366		4,227
Blue Water Bridge economic study		57,272	100,000	85,000		15,000
Telephone service	9,952	8,696	13,024	13,124	100	
Projected personnel reductions				(150,000)		150,000
Contingencies			40,000	40,000		
Insurance, health and safety	136,720	120,769	133,650	98,650		35,000
Taxes written off		4,420	15,000	15,000		
Demolitions	24,248	145,066	150,000	120,000		30,000
	<u>346,701</u>	<u>462,732</u>	<u>546,267</u>	<u>312,140</u>	<u>100</u>	<u>234,227</u>
Subtotal	<u>20,453,864</u>	<u>20,797,916</u>	<u>20,116,328</u>	<u>20,033,920</u>	<u>651,678</u>	<u>734,086</u>
Public Improvements:						
Parks and recreation projects	3,224	104,170	50,000			50,000
MOC capital	436,324	369,194				
Other public improvement			650,000	45,000		605,000
	<u>439,548</u>	<u>473,364</u>	<u>700,000</u>	<u>45,000</u>		<u>655,000</u>
Subtotal	<u>20,893,412</u>	<u>21,271,280</u>	<u>20,816,328</u>	<u>20,078,920</u>	<u>651,678</u>	<u>1,389,086</u>
Transfer to Other Funds:						
Beautification commission fund	3,300	3,300	3,300	3,300		
Wastewater fund	1,150,000	500,000				
Motor vehicle fund			80,000			80,000
	<u>1,153,300</u>	<u>503,300</u>	<u>83,300</u>	<u>3,300</u>		<u>80,000</u>
<b>TOTAL GENERAL FUND</b>	<u>22,046,712</u>	<u>21,774,580</u>	<u>20,899,628</u>	<u>20,082,220</u>	<u>651,678</u>	<u>1,469,086</u>
<b><u>SPECIAL REVENUE FUNDS</u></b>						
Street funds:						
Major streets	8,028,592	2,887,807	3,698,764	6,653,167	2,954,403	
Local streets	933,358	1,578,017	2,104,516	1,661,367		443,149
Municipal streets	2,018,664	2,489,720	3,585,414	4,106,821	521,407	
	<u>10,980,614</u>	<u>6,955,544</u>	<u>9,388,694</u>	<u>12,421,355</u>	<u>3,475,810</u>	<u>443,149</u>
Cemetery fund	354,516	328,969	369,010	373,501	4,491	
Garbage and rubbish collection fund	2,176,852	2,238,174	2,288,795	1,985,857		302,938
Rental certification fund	161,178	239,401	181,522	217,495	35,973	
Domestic preparedness fund			85,000			85,000
OUIL fund	4,257	6,500	15,000	17,000	2,000	
Drug law enforcement fund	11,300	5,820	46,000	50,000	4,000	
Law enforcement fund	3,056	1,356	5,000	5,000		
Enhanced 911 fund	93,625	76,413	107,500	110,000	2,500	
Community development block grant fund	1,049,195	1,229,066	900,000	655,930		244,070
Neighborhood rehabilitation fund	837,507	519,253	700,000	1,095,475	395,475	

**SCHEDULE OF ESTIMATED EXPENDITURES**  
2012-2013

	Actual		Budget			
	2009-2010	2010-2011	2011-2012	2012-2013	Increase	Decrease
Home program fund	\$ 201,923	\$ 165,167	\$ 280,000	\$ 184,052	\$	\$ 95,948
Streetscape maintenance fund	43,559	39,319	70,000	70,000		
Beautification commission fund	4,302	14,275	7,300	7,300		
<b>TOTAL SPECIAL REVENUE FUNDS</b>	<b>15,921,884</b>	<b>11,819,257</b>	<b>14,443,821</b>	<b>17,192,965</b>	<b>3,920,249</b>	<b>1,171,105</b>
<b><u>ENTERPRISE FUNDS</u></b>						
Marina fund	197,960	150,854	249,005	355,687	106,682	
Senior citizens housing fund	1,530					
Land purchase fund	2,791,242	3,383,951	2,885,000	2,480,000		405,000
Parking fund	116,788	133,228	114,451	111,175		3,276
Water Fund:						
Treatment plant	1,920,252	1,903,591	2,020,614	1,991,192		29,422
Distribution	1,284,666	1,104,359	1,186,617	1,156,004		30,613
Customer accounting	254,898	252,029	250,956	256,509	5,553	
Meter reading	700,673	714,573	679,335	557,146		122,189
Debt service	2,918,087	3,040,271	3,526,000	3,928,500	402,500	
Capital outlay	3,527,386	3,549,954	4,830,000	3,390,000		1,440,000
	<u>10,605,962</u>	<u>10,564,777</u>	<u>12,493,522</u>	<u>11,279,351</u>	<u>408,053</u>	<u>1,622,224</u>
Wastewater Fund:						
Treatment plant	4,469,773	4,279,743	5,278,963	5,917,305	638,342	
Collection, general	1,927,015	1,897,154	2,110,577	2,159,846	49,269	
Collection system no. 1	15	16	217	218	1	
Collection system no. 2	21,758	21,748	29,861	34,225	4,364	
Collection system no. 3	45,230	28,639	41,527	43,935	2,408	
Debt service	6,251,637	6,348,492	7,116,000	7,223,000	107,000	
Capital outlay	5,208,669	6,709,278	7,170,000	2,940,000		4,230,000
	<u>17,924,097</u>	<u>19,285,070</u>	<u>21,747,145</u>	<u>18,318,529</u>	<u>801,384</u>	<u>4,230,000</u>
<b>TOTAL ENTERPRISE FUNDS</b>	<b>31,637,579</b>	<b>33,517,880</b>	<b>37,489,123</b>	<b>32,544,742</b>	<b>1,316,119</b>	<b>6,260,500</b>
<b><u>INTERNAL SERVICE FUNDS</u></b>						
Central stores fund	131,574	109,356	118,009	128,052	10,043	
Data processing fund	690,034	707,311	664,345	682,804	18,459	
Motor vehicle fund	2,315,099	2,303,590	3,432,522	2,283,235		1,149,287
Energy performance services fund				300,000	300,000	
Insurance and fringe benefit fund	10,024,708	10,598,134	10,553,000	10,573,000	20,000	
<b>TOTAL INTERNAL SERVICE FUNDS</b>	<b>13,161,415</b>	<b>13,718,391</b>	<b>14,767,876</b>	<b>13,967,091</b>	<b>348,502</b>	<b>1,149,287</b>

**SCHEDULE OF ESTIMATED EXPENDITURES**  
2012-2013

	Actual		Budget			
	2009-2010	2010-2011	2011-2012	2012-2013	Increase	Decrease
<b><u>TAX INCREMENT FUNDS</u></b>						
Industrial park tax increment fund	\$ 1,572,346	\$ 1,371,298	\$ 1,479,000	\$ 1,472,000	\$	\$ 7,000
Paper company tax increment fund	613,462	443,560	540,000	375,000		165,000
Krafft-Holland tax increment fund	592,900	564,295	555,000	518,000		37,000
Peerless site tax increment fund	89,404	70,367	75,000	73,000		2,000
Downtown development authority operating fund	274,150	539,105	712,000	316,000		396,000
Water street tax increment fund	539,719	503,187	461,000	405,000		56,000
Bank tax increment fund	22,190	421,140	57,000	7,000		50,000
Harrington Hotel tax increment fund	7,316	16,630	125,000	115,000		10,000
Edison redevelopment tax increment fund	588,576	551,170	445,000	397,000		48,000
Mainstreet tax increment fund	42,486	34,780	127,000	138,000	11,000	
Industrial park expansion tax increment fund	287,996	346,853	329,000	442,000	113,000	
Brownfield redevelopment tax increment fund	256,230	318,642	381,000	287,000		94,000
<b>TOTAL TAX INCREMENT FUNDS</b>	<b>4,886,775</b>	<b>5,181,027</b>	<b>5,286,000</b>	<b>4,545,000</b>	<b>124,000</b>	<b>865,000</b>
<b>TOTAL ALL FUNDS</b>	<b>\$ 87,654,365</b>	<b>\$ 86,011,135</b>	<b>\$ 92,886,448</b>	<b>\$ 88,332,018</b>	<b>\$ 6,360,548</b>	<b>\$ 10,914,978</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 2012-13 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 \$13.64 and \$32.40 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 \$24.00 and \$57.00, 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 #12-66); and

BE IT FURTHER RESOLVED that the increased water and sewer rates shall become effective with all billing on or after June 30, 2012; 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 #12-67); 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, 2012; 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, 2012, with penalty as follows:

1. Taxes shall be collected without additional charge through July 31, or thirty (30) days after the mailing of the tax bill, whichever is later.



2. A penalty of one (1%) percent on the unpaid tax will be added on the first day of August, and on the first day of each month thereafter in the succeeding months.

BE IT FURTHER RESOLVED that the City Manager is hereby not authorized to grant non-union employees a general salary adjustment; 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 2012-2013 through 2017-2018 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, Cole and Ruiz.  
 No: Councilmembers Harris, Lewandowski and Moeller.  
 Absent: None.

**\*R-4.** WHEREAS, the Community Development Division of the City of Port Huron held a public hearing on May 14, 2012, to hear comments on the Consolidated Annual Performance Evaluation Report (CAPER) for the Program Year 2011 (April 1, 2011 through March 31, 2012); and

WHEREAS, the Community Development Division of the City has provided a copy of the CAPER for public viewing at the City Clerk's office and the St. Clair County Public Library for a period of at least 15 days; and

WHEREAS, any comments heard and/or received will be incorporated into the CAPER for review by the U.S. Department of Housing and Urban Development (HUD); and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron hereby authorizes the Community Development Division to submit the Consolidated Annual Performance Evaluation Report (CAPER) for the Program Year (April 1, 2011 through March 31, 2012), regarding the use of Community Development Block Grant (CDBG) and HOME funds, to the U.S. Department of Housing and Urban Development for their review and approval. (See City Clerk File #12-68)

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 reappointment of Steve Gurne (landlord) and Peggy Milam (tenant) to the Rental Housing Board of Appeals for terms to expire June 10, 2015, are hereby confirmed.

Adopted by consent.

**\*R-6.** 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	Code Violations
12-009	738 Bancroft Street	Lots 8 and 9, Block 2, Bancroft's Addition	Building, Electrical, Mechanical and Plumbing
12-010	2635 10 <sup>th</sup> Avenue	E 65 feet, Lot 21 Subdivision of Lots Numbers 27, 28, 29, 30 and 32 of McNeill Tract	Building, Electrical, Mechanical and Plumbing
12-011	1201 Minnie Street	Lot 14, Block 2, Assessor's Plat of Kreutzman Land	Building, Electrical, Mechanical and Plumbing

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 June 11, 2012, at 7:00 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, 100 McMorran Boulevard, for each of the above-listed properties for the purposes and according to the procedures referred to above and provide for the recording of such hearings.

BE IT FURTHER RESOLVED that the City Clerk shall notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's record, at least ten (10) days in advance of the date herein set for such hearing and investigation and the notice shall state that the interested parties will be given the opportunity to state their case for or against bringing this property up to code or demolition of this property, at the time of the public hearing.

BE IT FURTHER RESOLVED that a notice shall be published in accordance with the City's Rules of Procedure and the notice shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Chapter 10, §10-211, and Chapter 34, §34-3, Code of Ordinances of the City of Port Huron.

Adopted by consent.

\*R-7. WHEREAS, the Municipal Employees Retirement Act (MERS) provides that an annual meeting of the participating municipalities shall be held each year "for the purpose of selecting nominees for membership on the Retirement Board and to transact such other business as may be required for the proper operation of the Retirement System;" and

WHEREAS, the act also provides that the governing body of each participating municipality shall certify the names of two (2) delegates to the annual meeting (an employee delegate and an officer delegate); and

WHEREAS, at a secret ballot election conducted by the City Clerk on May 22, 2012, the City Clerk has certified that Toni George was elected as the employee delegate to serve at the 2012 MERS Annual Meeting and Ryan Porte was elected to serve as the alternate delegate, if necessary; and

WHEREAS, the City Manager recommends that John H. Ogden serve as the officer delegate to serve at the 2012 MERS Annual Meeting and Julie A. Davis as the alternate to serve in place of the officer delegate, if necessary;

NOW, THEREFORE, BE IT RESOLVED that John H. Ogden, Director of Finance, is hereby certified as the officer delegate to serve at the 2012 MERS Annual Meeting in accordance with the provisions of the Municipal Employees Retirement Act of 1984, as amended, and Julie A. Davis as the officer alternate.

Adopted by consent.

\*R-8. WHEREAS, in November 2011, the City received various parcels of property from the St. Clair County Treasurer due tax foreclosures; and

WHEREAS, the parcels are unbuildable lots and would best serve the community being combined with adjacent parcels;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the sale of vacant City-owned parcels, as listed below, for the sum of One Dollar and No/100 (\$1.00), property 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:

Parcel # Description	Lot Size	Convey to
74-06-121-0018-000 1301 V/L Lapeer Ave.	25.4' x 72.7'	Irwin 1305 Lapeer Avenue
74-06-690-0091-000 1700 V/L 20th Street	46.5' x 100'	One-half to: Rogan - 1717 20th Street  One-half to: Rydzinski - 1725 20th Street
74-06-743-0233-000 1008 V/L 10th Street	46' x 52.5'	Roberts 940 Pine Street

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

Adopted by consent.

**MOTIONS & MISCELLANEOUS BUSINESS**

- Mayor Repp** recognized and expressed thanks to the various groups that planted flower gardens in the City parks. She also acknowledged Chief Eick's retirement after 33-1/2 years and expressed thanks to him for his years of service.
- Councilmember Moeller** thanked the veterans for the Memorial parade and stated that Arthur Collins should be honored with the Spirit of Port Huron Heroism Award for his service during the Korean War.
- Councilmember Harris** thanked Nancy Winzer for the new recreation programs and for getting kids involved in the programs.

On motion (8:00 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC  
City Clerk

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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 2012-2013 fiscal year, a description of the assessment district, and his recommendation as to what portion of the cost should be paid by special assessment and what portion, if any, should be a general expense of the City, and the lands which should be included in the special assessment district.

2. The foregoing special report, as soon as completed, shall be presented to the City Council.

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

Adopted by consent.

**\*R-5(b)** WHEREAS, in accordance with the City Council resolution dated June 11, 2012, 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 2012-2013 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 #12-73).

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 2012-2013 fiscal year is estimated to be \$50,000.00, of which \$15,900.00 shall be spread over the special assessment district as hereinafter described, \$20,000.00 will be provided from accumulated funds, \$14,100 will be provided by a tax increment plan and none of which shall be paid as a general expense of the City.

Adopted by consent.

**\*R-5(c)**. WHEREAS, the City Council of the City of Port Huron tentatively determines that it is necessary to specially assess the cost of maintaining streetscape improvements in the City of Port Huron, more particularly hereinafter described in this resolution; and

WHEREAS, the City Manager has prepared a report concerning the maintenance costs of the streetscape improvements, which includes all the information required to be included by the Special Assessment Ordinance of the City; and

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 2012-2013 fiscal year is estimated to be \$50,000.00, of which \$15,900.00 shall be spread over the special assessment district as hereinafter described, \$20,000.00 will be provided from accumulated funds, \$14,100 will be provided by a tax increment plan and none of which shall be paid as a general expense of the City, and the aforesaid report of the City Manager is hereby approved.

3. Said special assessment district is tentatively designated as all of the lots and parcels of land described as follows:

Along Huron Avenue from the north side of Black River to the south side of McMorran Boulevard.

4. The report of the City Manager shall be placed on file in the office of the City Clerk where the same shall be available for public examination.

5. The City Assessor shall prepare a special assessment roll spreading that portion of the cost of maintaining the aforesaid streetscape improvements to be borne by the special assessment district against said district according to the benefits received, in conformity with the provisions of the Special Assessment Ordinance of the City and the City Charter. As soon as said roll is prepared, the City Assessor shall file the same with the City Council.

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

Adopted by consent.

**R-5(d).** WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the cost of maintaining streetscape improvements more particularly hereinafter described to the properties specially benefitted by the operation of said public improvements, and the same has been presented to the Council;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll shall be filed in the office of the City Clerk for public examination and shall be open to public inspection for a period of seven (7) days before the hearing hereinafter provided for.

2. The City Council shall meet at the Municipal Office Center, Port Huron, Michigan, at 7:00 p.m. on June 25, 2012, 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 2012-2013 fiscal year, a descriptions of the assessment districts and other pertinent information and has caused a special assessment roll to be prepared and this report and special assessment roll are on file in the office of the City Clerk and are available for public examination.

Take Further Notice that the City Council will meet on June 25, 2012, at 7:00 p.m., at the Municipal Office Center in the City of Port Huron for the purpose of hearing interested persons on the maintenance costs of the streetscape improvements, the composition of said district and for the purpose of reviewing said special assessment roll.

**Take Further Notice that objections must be filed in writing at or prior to this hearing with the City Clerk in order to appeal the amount of the special assessment to the State Tax Tribunal if any appeal should be desired.** The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested by providing written notice to the City Clerk at or prior to this hearing.

This Notice is given by order of the City Council of the City of Port Huron, St. Clair County, Michigan.

Susan M. Child, CMC  
City Clerk

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

Adopted by consent.

**\*R-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 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 2012-2013 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 11, 2012, 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 2012-2013 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 #12-74).

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 2012-2013 fiscal year is estimated to be \$20,000.00, of which \$9,275.00 shall be spread over the special assessment district as hereinafter described, \$2,500.00 will be provided from accumulated funds, \$8,225.00 will be provided by tax increment plans and none of which shall be paid as a general expense of the City.

Adopted by consent.

**\*R-6(c).** WHEREAS, the City Council of the City of Port Huron tentatively determines that it is necessary to specially assess the cost of maintaining streetscape improvements in the City of Port Huron, more particularly hereinafter described in this resolution; and

WHEREAS, the City Manager has prepared a report concerning the maintenance costs of the streetscape improvements, which includes all the information required to be included by the Special Assessment Ordinance of the City; and

WHEREAS, the City Council has reviewed that report;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby tentatively determines the necessity for and further determines to proceed with special assessment of the cost of the streetscape improvements described as follows:

Along Military Street from the south side of Black River to the north side of Court Street.

2. The cost of operating improvements for the 2012-2013 fiscal year is estimated to be \$20,000.00, of which \$9,275.00 shall be spread over the special assessment district as hereinafter described, \$2,500.00 will be provided from accumulated funds, \$8,225.00 will be provided by tax increment plans and none of which shall be paid as a general expense of the City, and the aforesaid report of the City Manager is hereby approved.

3. Said special assessment district is tentatively designated as all of the lots and parcels of land described as follows:

Along Military Street from the south side of Black River to the north side of Court Street.

4. The report of the City Manager shall be placed on file in the office of the City Clerk where the same shall be available for public examination.

5. The City Assessor shall prepare a special assessment roll spreading that portion of the cost of maintaining the aforesaid streetscape improvements to be borne by the special assessment district against said district according to the benefits received, in conformity with the provisions of the Special Assessment Ordinance of the City and the City Charter. As soon as said roll is prepared, the City Assessor shall file the same with the City Council.

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

Adopted by consent.

**\*R-6(d).** WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the cost of maintaining streetscape improvements more particularly hereinafter described to the properties specially benefitted by the operation of said public improvements, and the same has been presented to the Council;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll shall be filed in the office of the City Clerk for public examination and shall be open to public inspection for a period of seven (7) days before the hearing hereinafter provided for.

2. The City Council shall meet at the Municipal Office Center, Port Huron, Michigan, at 7:00 p.m. on June 25, 2012, 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 2012-2013 fiscal year, a descriptions of the assessment districts and other pertinent information and has caused a special assessment roll to be prepared and this report and special assessment roll are on file in the office of the City Clerk and are available for public examination.

Take Further Notice that the City Council will meet on June 25, 2012, at 7:00 p.m., at the Municipal Office Center in the City of Port Huron for the purpose of hearing interested persons on the maintenance costs of the streetscape improvements, the composition of said district and for the purpose of reviewing said special assessment roll.

**Take Further Notice that objections must be filed in writing at or prior to this hearing with the City Clerk in order to appeal the amount of the special assessment to the State Tax Tribunal if any appeal should be desired.** The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested by providing written notice to the City Clerk at or prior to this hearing.

This Notice is given by order of the City Council of the City of Port Huron, St. Clair County, Michigan.

Susan M. Child, CMC  
City Clerk

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

Adopted by consent.

**\*R-7.** WHEREAS, it is stated in the Code of Ordinances of the City of Port Huron, Chapter 2, Administration, Article IV, Boards and Commissions, Division 5, Construction Board of Appeals, Section 2-511, that the Construction Board of Appeals shall consist of five members who are qualified by experience and training as follows: one master electrician, one master mechanical contractor, one master plumber, and two licensed tradesmen from the construction field such as a licensed architect, a licensed engineer or a licensed general contractor; and

WHEREAS, it is further stated in Section 2-512 of the Code of Ordinances that members shall be appointed by the City Council and shall hold office for a three-year term with two members of the first construction board of appeals;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City council hereby re-appoints the following individuals to the Construction Board of Appeals with terms to expire as indicated:

- Richard Welser, master mechanical contractor, June 30, 2015
- Walter Crosby, master electrician, June 30, 2015
- Robert Nelson, licensed general contractor, June 30, 2015

Adopted by consent.

**\*R-8.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for sidewalk replacement; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot special assessments in the total amount of \$4,598.15 for sidewalk replacement upon the lots and premises described in the attached special assessment report (see City Clerk File #12-75).

PROPERTY DESCRIPTION	PROPERTY NUMBER	AMOUNT
900 Elk Street	74-06-366-0225-000	\$ 579.20
912 Elk Street	74-06-366-0229-000	\$ 633.50
2021 Minnie Street	74-06-690-0170-000	\$ 152.00
2023 Minnie Street	74-06-690-0108-000	\$ 437.00
1909 Minnie Street	74-06-740-0022-000	\$ 1,140.30
1917 Minnie Street	74-06-740-0021-000	\$ 1,004.55
1918 Minnie Street	74-06-740-0027-000	\$ 651.60

Adopted by consent.

**\*R-9.** WHEREAS, a request was received to vacate the following described City of Port Huron street right-of-way:

*All that part of the Wells Street right-of-way as shown on the plat of the "F. L. Wells Plat" recorded in Liber 13 of Plats, Page 124, St. Clair County Register of Deeds Office being 30.00' wide and described as being bounded on the south by the south platted line of Wells Street (30.00' wide) on the west by the southerly extension of the west line of Lot 14, Block 1, 30.00' to the south line of platted Wells Street, on the north by the south line of Lots 14 through 18 inclusive, and on the east by the southerly extension of the east line of Lot 18, said Block 1, 30.00' to its intersection with the south line of platted Wells Street (contains 8,130 square feet more or less), City of Port Huron, St. Clair County, Michigan; and*

WHEREAS, on June 5, 2012, 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, without the reservation of a full-width public utility easement.

Adopted by consent.

**AT THIS POINT**, Robert Clegg, City Engineer, was asked to provide an update on the Water Street project. He commented that traffic issues occurred at the start of the project due to the new road closures and after a few days these issues subsided. The project is progressing as predicted and a watermain that was not located on previous maps has been discovered. He will also be discussing shortly with the contractor about any additional costs anticipated due to the delay in the start of the project so that these costs can be relayed to the Michigan Department of Transportation.

**R-10.** Pursuant to the request of City Administration, the vacation of a portion of Alley #134 was withdrawn from the agenda.

#### ORDINANCES

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

AN ORDINANCE TO AMEND CHAPTER 46, TRAFFIC AND VEHICLES, ARTICLE IV, IMPOUNDMENT OF VEHICLES, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF AMENDING THE NUMBER OF UNPAID PARKING TICKETS BEFORE A VEHICLE CAN BE IMPOUNDED TO COINCIDE WITH STATE LAW.

Motion adopted unanimously and ordinance given its first reading.

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

AN ORDINANCE TO AMEND CHAPTER 16, COMMUNITY DEVELOPMENT, ARTICLE III, DOWNTOWN DEVELOPMENT AUTHORITY, DIVISION I, GENERALLY, SECTION 16-82, POWERS, DUTIES AND BOUNDARIES, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF ADDING PROPERTY TO THE BOUNDARIES.

Motion adopted unanimously and ordinance given its first reading.

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

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

Motion adopted unanimously and ordinance given its first reading.

**O-4. Councilmember Lewandowski** moved, seconded by Councilmember Cole, that the following ordinance, entitled and reading as follows, be given its first reading:

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAP, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY BOUND ON THE NORTH BY STATE STREET, EAST BY THE EAST LINE OF ALLEY #134, SOUTH BY THE NORTH LINE OF SCOTT AVENUE EXTENDED EAST, AND WEST BY BLOCK 11, PH & NW RY PLAT FROM R-1 (SINGLE- AND TWO-FAMILY RESIDENTIAL) TO C-1 (GENERAL BUSINESS DISTRICT).

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

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

#### MOTIONS & MISCELLANEOUS BUSINESS

**1. Councilmember Moeller** recognized the Citizens for a Vibrant Community for organizing the Art on the River last weekend.

On motion (7:50 p.m.), the City Council adjourned.

SUSAN M. CHILD, CMC  
City Clerk