
REGULAR MEETING OF THE COUNCIL OF THE CITY OF SAGINAW, MICHIGAN, HELD MONDAY, DECEMBER 7, 2009, AT 6:30 P.M. IN THE COUNCIL CHAMBER OF CITY HALL.

PRAYER AND PLEDGE OF ALLEGIANCE

Councilman Amos O'Neal offered a prayer and led the pledge of allegiance.

ROLL CALL

Mayor Gregory Branch called the meeting to order. The following Councilpersons were present: Dennis Browning, Larry Coulouris, Daniel Fitzpatrick, Amanda Kitterman-Miller, Amos O'Neal, Joyce Seals, Paul Virciglio, Andrew Wendt and Mayor Gregory Branch -9.

CORRECTION AND APPROVAL OF MINUTES OF PRECEDING SESSIONS

Councilman Viciglio moved to approve the minutes from the November 23, 2009 regular council meeting, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

PUBLIC HEARING

City Clerk Diane Herman announced the public hearing on approving the City's Brownfield Plan to include 1200 Leon Scott Street, for Project Infinity whereby GlobalWatt plans to invest \$177 million for a solar modular production plant creating approximately 500 jobs. JoAnn Cray of Saginaw Future, Dawn Baetsen, Managing Partner of Atlas Insight, LLC representing GlobalWatt and Ann Jamieson of AKT Peerless, were main presenters and gave details of the company, the project and how the property qualified as a Brownfield, and requested Council's support. Other speakers in favor of the project were Mary Washington, Larry Campbell (President and Vice-President, respectively, of Northeast Saginaw Association), Edward Brown and David Denno. Angela Curry Parks expressed concerns for the workers of the former plant at 1200 Leon Scott Street and Belinda Bullock inquired as to what the City plans to do to help new businesses and recreation. Mayor Branch called for additional comments three times. No one else was heard.

Councilman Coulouris moved to declare the hearing closed, seconded by Councilman O'Neal.

Adopted unanimously.

PERSONAL APPEARANCES

Earl Jesse, 310 S. Harrison, said there will be action taken in the Saginaw Housing Commission. Said he needs input from parties that have not yet been notified. Said the problem, which has to do with HUD law, will be corrected

Paul Grzesiak, 16792 Frost Road, Hemlock, Vice-President, A.P.W.U., Saginaw Local 486/487, spoke on the possible loss of U.S. Postal Service jobs in the Saginaw area as a result of an Area Mail Process Feasibility Plan. Requested Council members contact their legislators. Said Saginaw needs these jobs here.

Stacey (Brandon) Lamar, 6900 Bullitt Blvd., Columbus, GA, said she was the mother of Stephan Brandon who was murdered November 15, 2009 at the Lime Lite.

Questioned what it would take to get the place closed down.

Ed Brown, 1112 Washburn Place E., President of AFSCME, Local 3604, which represents the City's supervisors, said AFSCME wants to be a part of the solution, and not part of the problem. Said he doesn't always agree with the City Manager but believes he has no intention of harming the City. Encouraged Council members to contact him if there are any questions that arise out of the feasibility study or any other matter.

Shapish Shethi, 400 Johnson, an employee of Saginaw Plaza hotel, spoke about continuous problems at the adjacent building 310 Johnson, such as loud music, parking in the hotel lot, and unruly and threatening behavior from the attendees. Mentioned a recent shooting and the hotel guests checking out the day after the incident. Said the owners of 310 Johnson need to consider their responsibility to the City and neighboring businesses.

Barbara Wiese, 1020 Reed, expressed concerns about the house next door to hers at 1018 Reed. Said the windows are full of mold and the landlord does nothing to keep the place up. Said landlords should be held accountable. Also spoke on the problem with rowdy children in her neighborhood running the street and misbehaving.

Catherrean Latimore, 36 Geneva Ct., complained about Lapeer Street coming off the I-675 exit. Said the street from the tracks to 22nd or 23rd Streets is full of potholes and is past due for repairs. Questioned whether the street sweepers had retired for the winter. Said she hadn't seen any in the neighborhood.

REMARKS OF COUNCIL

Councilman Coulouris said the Saginaw Plaza Hotel is turning into a very deplorable situation. Said the licensing issue at 310 Johnson should be enforced. The activities at this establishment in the City's central business district cannot be condoned. Noted he had contacted the police on some illegal activities in Mrs. Weise's neighborhood.

Councilwoman Kitterman-Miller advised those employees who used to work at 1200 Leon Scott Street, to contact Michigan Works for job information and training. Said enough is enough with regard to problems at 310 Johnson and the Lime Lite. Stressed the need for a hotel in downtown Saginaw. The City needs to support business owners who are doing the right thing. Thanked AFSCME for agreeing to work as partners with the City. Said it's crucial with the tough financial problems the City is facing. Thanked City crews for the nice display of Christmas lights. Said she hoped crews were ready for the first real snowfall.

Councilman O'Neal expressed appreciation to GlobalWatt and the Northeast Saginaw Neighborhood Association for offering their support. Noted the Saginaw Community was recognized for having one of the best Chamber of Commerce and economic development arms in the nation. Said 310 Johnson and the Lime Lite are at the top of the City's list and will be addressed. Expressed sympathy to Ms. Lamar for her loss and said community monthly meetings are being held at the CAC to resolve crime issues. He invited Ms. Lamar to attend. Gave the Mayor an ornament from the U.S. Census 2010. Thanked the Development Department for its work to address blight.

Councilman Wendt thanked GlobalWatt for considering Saginaw. Said Saginaw has a workforce that is yearning for such an opportunity. Expressed sympathy for Mrs. Lamar's loss. Reminded all of the continuation of the hearing on the 310 Club's business license, to be held the following day. Said it was inexcusable for the owner to claim no

responsibility for the incidents which occur at the club. People choose what type of activity they have on their property. Thanked AFSCME for being part of the solution.

Councilman Virciglio advised Mrs. Wiese that representatives from several neighborhood associations have been meeting with City staff and reviewing landlord-related ordinances to tighten up landlord responsibility. Congratulated JoAnn Crary and Saginaw Future and the Saginaw County Chamber of Commerce for their recent national recognition.

Councilwoman Seals encouraged the unemployed to work with Michigan Works through the "No Worker Left Behind" program. Said it is a great training opportunity. Noted that 310 Johnson had agreed to stop hosting youth events, however, it appears they have violated that promise. Expressed excitement for the GlobalWatt project and thanked the Northeast Saginaw Neighborhood Association for supporting the plan. Commended Dawn Baetsen for promoting Saginaw as the site.

Councilman Browning also expressed excitement about being a finalist for the GlobalWatt site. Said the activities at 310 Johnson need to be stopped.

Councilman Fitzpatrick expressed sympathy to Mrs. Lamar for her loss. Asked Mr. Grzesiak what the City could do to save the postal jobs. Assured citizens that Council members were working strongly to shut down the 310 Club, Kayla's Kitchen and the Lime Lite, however there is a process that must be followed. Warned other similar establishments that violent activities would not be tolerated.

Mayor Branch stressed the importance of the 2010 Census with regard to Saginaw's future. Thanked Saginaw Future for their work, particularly with the GlobalWatt project. Told Ms. Lamar that he hoped her son would be the last victim from that establishment. Stated that the Lime Lite is currently closed and requested an update on 310 Johnson. Thanked AFSCME for stepping forward and said all parties are working for the same goal, to make things work. Requested a street sweeping schedule. Congratulated James Krohn on his 85th birthday and mentioned some of his accomplishments and contributions to the community, including serving 30 years as president of Seitner Brothers.

REPORTS FROM BOARDS AND COMMISSIONS AND COMMITTEES AND APPOINTMENT OF BOARDS AND COMMISSIONS MEMBERS

From the Boards and Commissions Committee:

Councilman Virciglio moved for consideration of appointing William Edward Schaiberger and Hazel Marie Moore to the Human Planning Commission with a term to expire December 7, 2011, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

Councilman Browning moved for consideration of reappointing Wilnita Williams to the STARS Board with a term to expire September 26, 2012, seconded by Councilwoman Kitterman-Miller.

Adopted unanimously.

Councilman Virciglio moved for consideration of reappointing George C. Bush to the Zoning Board of Appeals with a term to expire December 31, 2012, seconded by

Councilman Fitzpatrick.

Adopted unanimously.

Councilman Fitzpatrick moved for consideration of reappointing Myron Shinkel to the Housing Board of Appeals with a term to expire October 8, 2011, seconded by Councilman Wendt.

Adopted unanimously.

Reports from other Boards, Commissions and Committees

Councilman Fitzpatrick announced the reforming of the Saginaw High School Neighborhood Association. The group meets the first Thursday of each month at 6:30 p.m. at the UAW Local 699 hall on Bagley Street.

REPORTS FROM CITY MANAGER

Management Update

City Manager Darnell Earley noted that he had met with all the collective bargaining units which represent the City employees and discussed where the City is going and how it will manage its way through these difficult economic times. Noted the lines of communication are open. Thanked the AFSCME President and said he hopes he will talk to some of his colleagues. Said economic issues and FY2010-2011 budget would be discussed at January's Strategic Planning session. He then briefly discussed the *Choice* lawsuit settlement on the agenda for approval. He said going forward the City would vigorously defend the right's of the City to govern. Gave an update on 310 Johnson and said the panel consisting of Director of Development Odail Thorns, City Clerk Diane Herman and Assistant City Manager for Fiscal Services Tim Morales would be reviewing the matter and render a decision at the hearing the following day. Said he had discussed the matter with Police Chief Gerald Cliff and his officers would vigorously patrol both 310 Johnson and Kayla's Kitchen to make sure there were no activities at either site.

Recommended Actions

Subject: 2010 Regular Council Meeting Schedule

Manager's Recommendation: I recommend the 2010 Calendar Year Schedule for Regular Meetings and Special Strategic Planning sessions of the Council be adopted.

Justification: The 2010 schedule is established in accordance with the Saginaw City Charter and posted in compliance with requirements of Act 267, P.A. 1976. Following are the proposed dates:

JANUARY	11, 25 AND *30 (*Strategic Planning Session)
FEBRUARY	8 AND 22
MARCH	8 AND 22
APRIL	5 AND 19

MAY	3 AND 17
JUNE	7 AND 21
JULY	12, *24 AND 26 (*Strategic Planning Session)
AUGUST	9 AND 23
SEPTEMBER	13 AND 27
OCTOBER	11 AND 25
NOVEMBER	8 AND 22
DECEMBER	6 AND 20

Regular meetings are held on Monday evenings at 6:30 p.m. Student Government Day (which will be announced) begins at 12:00 noon.

On November 3, 2009, the voters approved a revision to the City Charter of the City of Saginaw (Chapter IV, Legislation, Regular Meetings, Section 18) which now states in part, *The council shall meet at least twice monthly.* As a result, there are three (3) weeks between the following meetings: December 21, 2009 and January 11, 2010, May 17, 2010 and June 7, 2010, June 21, 2010 and July 12, 2010 and August 23, 2010 and September 13, 2010.

Special Meetings for Strategic Planning have been placed on the regular calendar in January and July so Council members and staff may plan accordingly. These sessions generally run from 8:30 a.m. to 4:30 p.m.

To accommodate the City Clerk in preparing for elections, City Council adopted a motion in 2007, wherein Council meetings would not be scheduled on the Monday preceding an election. Election consolidation provides for elections to be held on the fourth Tuesday in February, and the first Tuesday after the first Monday in May, August and November. Possible election dates for 2010 are February 23rd, May 4th, August 3rd and November 2nd. To date, there are two (2) scheduled elections in 2010, i.e. August 3, 2010 and November 2, 2010. As such, it was not necessary to adjust the Council calendar for this purpose. In the event an election is scheduled on the February or May dates, an adjustment in the Council calendar may become necessary.

Council Action: Councilman Browning moved that the recommendation of the City Manager be approved, seconded by Councilman Wendt.

Adopted unanimously.

Subject: MSHDA and HUD Grant Signature

Manager's Recommendation: I recommend that the Mayor and the Mayor Pro Tem in my absence, be authorized to sign any Michigan State Housing Development (MSHDA) and Housing and Urban Development (HUD) grant related documents. In the

future, the Mayor may be required to sign additional documents related to the grants to fulfill MSHDA and HUD requirements. Therefore, it is requested that he be given blanket authorization to sign future MSHDA and HUD grant related documents until June 30, 2013.

Furthermore, it is requested that in the Mayor's absence, that the Mayor Pro Tem be given blanket authorization to sign the forms.

Justification: There are several MSHDA and HUD related grant documents that require the signature of the highest certified official for the City of Saginaw before the grant can be issued. In order to accept the grant, there is a designated time period for the Mayor, the highest official to sign the necessary documents that may not be consistent with the City Council meeting schedule. As a necessary step in obtaining grants from MSHDA and HUD, each municipality must formally approve the grant related documents. This proposed authorization will allow the Mayor and the Mayor Pro Tem in his absence, to sign the MSHDA and HUD related grant documents within the designated time limit without having to call a special council meeting for approval. In the future, the Mayor may need to sign additional certificates related to these programs to fulfill MSHDA and HUD's requirements.

Council Action: Councilman Browning moved that the recommendation of the City Manager be approved, seconded by Councilman Wendt.

Adopted unanimously.

Subject: Settlement of Police Claim

Manager's Recommendation: I recommend approval of the Settlement and Release Agreement in the amount of \$25,000 to resolve a pending lawsuit against City police officers filed by Bennie Choice. This Agreement has been approved by the City Manager as to substance and the City Attorney as to form.

Justification: Mr. Choice's nephew was a homicide victim on April 27, 2005. Mr. Choice went to the crime scene when he heard about this and was arrested after allegedly crossing the police tape and ignoring instructions not to do so. Mr. Choice and his family alleged that he was not crossing the tapeline, but was assisting the victim's mother and that the police used excessive force. The criminal charges against him were later dismissed. Mr. Choice also claims that he suffered an aggravation of a pre-existing injury during the arrest process. In order to avoid the expense and uncertainties of litigation and resolve this matter, the City has negotiated a payment of \$25,000. The Plaintiff has provided a full and complete release of liability.

Council Action: Councilman Browning moved that the recommendation of the City Manager be approved, seconded by Councilman Wendt.

Adopted unanimously.

Subject: Emergency Repair to Diesel Storage Tank

Manager's Recommendation: I recommend that payment be made to R.W. Mercer Co., Jackson, Michigan, in the amount of \$2,740.00 for emergency repairs to the underground storage tanks.

This vendor meets all requirements of §14.23, "Vendors", of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing, of "Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds for this purchase are budgeted in the Water Treatment General Repairs

Account No. 591-4730-861.80-40.

Justification: On October 8, 2009, emergency purchase order #39624 was issued to R.W. Mercer Co. in the amount of \$2,740.00. The purchase order was for repairs to the release detection system for the underground diesel storage tanks, along with signage. The diesel fuel storage is critical for the operation of the Emergency Diesel Generators at the Water Plant in the event of a power failure. R.W. Mercer Co. was chosen based on their knowledge of the detection system and is the company that performs the routine maintenance on the Water Plant's diesel supply system.

Council Action: Councilman Browning moved that the recommendation of the City Manager be approved, seconded by Councilman Wendt.
Adopted unanimously.

Subject: Purchase Whatley street light globes

Manager's Recommendation: I recommend acceptance of the quote received from Standard Electric, Inc., Saginaw, MI and issuance of a purchase order to them in the amount of \$3,360.00 for the purchase of street light globes.

This vendor meets all requirements of §14.23, "Vendors", Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing", of Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds for this equipment are available in the Traffic Engineering Parts and Supplies Account No. 101-4621-791.73-30.

Justification: On November 4, 2009, the City received a quotation from Standard Electric, Inc., Saginaw, MI in the amount of \$3,360.00 for ten (10) Whatley street light globes for the Traffic Engineering Division of the Public Services Department. These globes are for the decorative street lighting on Washington Ave, Johnson St, E. Genesee Ave, N. Michigan Ave, Hill St, Houghton Ave, and the Court and Holland St bridges. This purchase is to repair or replace globes that have been broken due to car accidents and storm damage. The request for quotation was sent to Standard Electric, Inc., because they are a sole source supplier this equipment.

Council Action: Councilman Browning moved that the recommendation of the City Manager be approved, seconded by Councilman Wendt.
Adopted unanimously.

Subject: Cemeteries Mower Purchase

Manager's Recommendation: I recommend that a purchase order be issued to Spartan Distributors in the amount of \$3,500.00 for the purchase of a mower to be used by the Cemeteries Division.

This vendor meets all requirements of §14.23, "Vendors", of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing, of "Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds for this purchase are available in the Cemeteries Operation Repairs and Replacement Account No. 101-1747-821.97-20.

Justification: The City purchased a Toro 74253 Z-Master mower in 2008 for \$9,979.98. The mower has had many maintenance problems and is not able to withstand the type of usage required in City Cemeteries. Spartan Distributors has offered to refund

the cost of the mower and apply it to the purchase of a Toro Groundsmaster 7210, which is a heavier duty mower. This mower is a demonstration unit that has approximately the same number of hours as the mower the City is trading in. A new Toro Groundsmaster 7210 would cost \$17,294.00 at State bid price.

Council Action: Councilman Browning moved that the recommendation of the City Manager be approved, seconded by Councilman Wendt.
Adopted unanimously.

Subject: Propane Gas

Manager's Recommendation: I recommend that a blanket purchase order be approved and issued to Amerigas in the amount of \$4,000.00 for the purchase of propane gas.

This vendor meets all requirements of §14.23, "Vendors", of "Purchasing, contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of Title 1, "General Provisions" of the Saginaw Code of Ordinances 0-1.

Funds for this purchase are budgeted in the Rubbish Collection Parts and Supplies Account No. 226-4587-841.73-30.

Justification: The Right of Way Division, Compost Site Section, uses propane gas to heat its facility on Veteran's Memorial Highway. Past usage of propane gas and price increases dictate the need to establish an annual purchase order to ensure an adequate supply for the year.

Council Action: Councilman Browning moved that the recommendation of the City Manager be approved, seconded by Councilman Wendt.
Adopted unanimously.

Subject: Water Treatment Plant Vacuum Pump Purchase

Manager's Recommendation: I recommend that the low bid from Kerr Pump & Supply, Inc. be accepted and a purchase order be approved and issued to them in the amount of \$5,845.00 for the supply and delivery of a rotary claw vacuum pump.

This vendor meets all requirements of §14.23, "Vendors", of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing, of "Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds for this purchase are budgeted in the Water Operations Repairs and Replacement Account No. 591-4730-861.97-20.

Justification: On November 17, 2009, the City received three bids for the supply and delivery of a rotary claw vacuum pump. The pump is for the priming system for the high service and low service pumps at the Water Plant. The priming system ensures the pumps are constantly filled with water, which is essential for starting the pumps. Spare parts are no longer available for the current vacuum pumps. There is no price comparison available for this purchase. Following is a tabulation of the bids received and reviewed by the Purchasing Committee:

	<u>Total Bid</u>
Kerr Pump & Supply, Inc. Oak Park, MI	\$5,845.00
Behco Incorporated Warren, MI	\$6,328.53
American Controls, Inc.	\$7,582.00

Farmington Hills, MI

Council Action: Councilman Browning moved that the recommendation of the City Manager be approved, seconded by Councilman Wendt.
Adopted unanimously.

Subject: Emergency Mold Removal

Manager's Recommendation: I recommend that payment be made to Elliot Environmental Company in the amount of \$8,044.00 for the emergency mold removal at City Hall.

This vendor meets all requirements of §14.23, "Vendors", of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing, of "Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds are available in General Fund Building and Grounds Division Professional Services Account, No. 101-7575-821.80-01.

Justification: On October 7, 2009, emergency purchase order #39622 was issued to Elliot Environmental Company to collect mold samples from the City Hall boiler valve room, conduct testing and provide a report on the air quality of the area where samples were collected. Included in the total cost was the cost to abate the hazard and conduct testing to confirm the safety of the air quality in the area. The purchase order was expedited in order to eliminate the mold before the boilers at City Hall were started for the heating season.

Council Action: Councilman Browning moved that the recommendation of the City Manager be approved, seconded by Councilman Wendt.
Adopted unanimously.

Subject: Variable Frequency Drives

Manager's Recommendation: I recommend that payment be made to Hamilton Electric in the amount of \$11,300.00 for emergency purchase of Variable Frequency Drives (purchase order #39213).

This vendor meets all requirements of §14.23, "Vendors", of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing, of "Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds for this purchase are available in the Sewer Operation and Maintenance Parts and Supplies Account, No. 590-4830-861.73-30.

Justification:

Two of the flow matcher units on the effluent pumps at the wastewater treatment plant failed. These pumps are used to pump effluent out of the wastewater treatment plant when high flows and high river levels make gravity flow impossible. These units are obsolete and parts are no longer available. Variable frequency drives were ordered to replace the flow matchers, using an emergency purchase order. Hamilton Electric provided the lowest cost of the four vendors submitting quotes.

Council Action: Councilman Browning moved that the recommendation of the City Manager be approved, seconded by Councilman Wendt.
Adopted unanimously.

Subject: Hydraulic Power Pack with Tools

Manager's Recommendation: I recommend that the quote received from Jack Doheny Supplies be accepted and a purchase order be issued to them in the amount of \$19,086.60 for the purchase of a Stanley Hydraulic Power Pack with tools.

This vendor meets all requirements of §14.23, "Vendors", of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing, of "Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds for this purchase are available in the Water Operations Parts and Supplies Account No. 591-4721-861.73-30.

Justification: The Right of Way Division, Maintenance and Service Section, is purchasing a Stanley Hydraulic Power Pack with Tools and will use this item in the maintenance and construction of the water distribution and sewage collection systems. This is a specialty piece of construction equipment, combining gas powered hand tools or pumps and using hydraulics as the energy source for them. This is a sole source item.

Council Action: Councilman Browning moved that the recommendation of the City Manager be approved, seconded by Councilman Wendt.

Adopted unanimously.

Subject: Cost Agreement (No. 09-5653) for the Reconstruction of North Woodbridge Street from Houghton Avenue to Davenport Avenue

Manager's Recommendation: I recommend that the Cost Agreement (No. 09-5653) be approved and that the City Manager be authorized to execute this agreement on behalf of the City. The agreement has been approved by the City Manager as to substance and the City Attorney as to form. A resolution to approve the subject agreement appears under the regular order of business for your consideration.

Funds for the City's share will be made available in the Sewer Operation and Maintenance Sewer Surplus Construction Projects Fund Account No. 590-4840-881-8047 (\$550,000.00), Water Operation and Maintenance Refunding Bonds Construction Projects Fund Account No. 591-4741-881-8047 (\$608,600.00). The Project No. is ST 0904.

Justification: Transmitted herewith is a proposed Cost Agreement (City Clerk's File No. _____) with the Michigan Department of Transportation (MDOT) for the purpose of fixing the rights and obligations of the parties agreeing to the reconstruction and utility upgrade work along North Woodbridge Street from Houghton Avenue to Davenport Avenue; including Hot Mix Asphalt (HMA) Paving, concrete pavement, concrete curb and gutter, earthwork, water main, sewer main and storm sewer replacement, ADA sidewalk ramps; together with necessary related work. The total project is estimated to cost \$1,998,600.00 of which Federal American Recovery and Reinvestment Act Urban Local (ARUL) funds will pay \$400,000.00, Federal Surface Transportation Urban Local (STUL) funds will pay \$440,000.00 and the City's estimated share is \$1,158,600.00. The City of Saginaw is responsible for any cost overruns in excess of \$1,998,600.00.

Council Action: Councilman Browning moved that the recommendation of the City Manager be approved, seconded by Councilman Wendt.

Adopted unanimously.

All City Manager recommendations to this point were adopted by general consent.

The following was considered after discussion.

Subject: Charter Business Communications Service Agreement, Commercial Acceptable Use Policy, Commercial Terms of Service, Service Order and Website Use Terms and Conditions

Manager's Recommendation: I recommend that the Service Agreement ("Agreement"), Commercial Acceptable Use Policy ("AUP"), Commercial Terms of Service ("Terms of Service"), Service Order ("Order") and Website Use Terms and Conditions ("Terms and Conditions") between the City of Saginaw and Charter Business Communications ("Charter") be approved. The term of the Agreement is three years. The monthly charge is \$352.52 and the annual amount is \$4,230.24. In addition, there will be no installation charge. The Agreement, AUP, Terms of Service, Order and Terms and Conditions have been approved by me as to substance the City Attorney as to form.

This vendor meets all requirements of §14.23, "Vendors", of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing, of "Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds are budgeted in the Celebration Park Operating Services Account, Number 508-7580-831.80-01.

Justification: The City of Saginaw ("City") is in the process of re-purposing the former Andersen Water Park and part of the project is renovating the vending building into a police substation. The substation will be utilized as a "Crime Prevention Information Center," housing the City Police's high-tech crime prevention computer and digital applications. In order to connect into the City's computer network through a Virtual Private Network ("VPN"), the building will need to have an Internet connection. The City has chosen Charter Business to provide Internet, phone and cable service for the substation. Charter requires the City to approve the Agreement, AUP, Terms of Service, Order and Terms and Conditions. Pursuant to the terms of the Terms of Service, the City must pay late fees, all collection expenses, disclaims all express and implied warranties and must indemnify and hold Charter harmless against any claims. Though those terms are not favorable to the City, City staff has determined that Charter will offer the best service to the City.

Council Action: Councilwoman Kitterman-Miller moved that the recommendation of the City Manager be approved, seconded by Councilman Wendt.

Adopted by the following vote:

Ayes: Councilpersons Kitterman-Miller, O'Neal, Seals, Virciglio, Wendt, Browning, Coulouris and Mayor Branch-8.

Abstain: Councilman Fitzpatrick-1.

INTRODUCTION OF ORDINANCES

Subject: Medical Marihuana Moratorium Ordinance

Manager's Recommendation: I recommend that a Moratorium Ordinance be enacted to prohibit certain land uses connected with medical Marihuana for a period of six months, or until a land use ordinance can be enacted. An Ordinance has been prepared and appears under the regular order of business.

Justification: In 2008, a Michigan voter referendum approved the use of medical Marihuana. Neither the referendum nor the subsequent state regulations addressed the

appropriate zoning for the various aspects of the new Marihuana uses. A municipality has the responsibility for regulating its land for the proper residential, commercial and industrial uses in its boundaries. There are few standard models from which to work for the proper zoning of Marihuana cultivation and related uses. The City of Saginaw, therefore, wants to study this issue and enact a new land use ordinance to properly address:

1. Cultivation or processing of Marihuana.
2. Distribution or dispensing of Marihuana.
3. Smoking or other administration of Marihuana.
4. "Grow stores", providing specialized equipment for cultivation of Marihuana, etc.
5. "Marihuana schools", teaching students how to cultivate and process Marihuana.

When a new zoning regulation is being reviewed and considered, it is common to enact a moratorium on the legal land uses to be addressed by that ordinance. The purpose is to prevent a rush to implement land use in an area if the developers believe that the use will be zoned out in the near future. The moratoria are limited in scope and this one will expire in six months or when a superceding zoning ordinance is enacted.

This proposal was discussed and approved at a public meeting of the Planning Commission on October 27, 2009.

Council Action: This Council Communication is for explanation of the ordinance and requires no separate approval.

Councilwoman Seals introduced an ordinance entitled and reading as follows, seconded by Councilman Virciglio:

AN UNCODIFIED ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON CERTAIN LAND USES CONNECTED WITH THE USE OF MARIJUANA FOR MEDICAL PURPOSES.

Adopted unanimously. Mayor Branch announced the ordinance would be laid over under the Charter provision.

Subject: Pilot Ordinance Wickes Park Homes

Manager's Recommendation: It is recommended that a Low Income Housing Tax Exemption for Wickes Park Homes Limited Dividend Housing Association Partnership be added to the Table of Special Ordinances VIII. An Ordinance has been prepared and appears under the regular order of business.

Justification: In 2005, the City of Saginaw enacted a Pilot Ordinance for the Wolgast Corporation to construct homes in the Wickes Park area of the City. The Wolgast Corporation has created the Wickes Park Homes Limited Dividend Housing Association as the Sponsor for this project. This Pilot ordinance is designed to replace and supercede the earlier one, with no change in terms or conditions. The format has been updated slightly to the one now preferred by the Michigan State Housing Development Authority for Pilot Ordinances.

The Wolgast Corporation and the Michigan State Housing Development Authority

have both requested that the City enact this replacement ordinance.

Council Action: This Council Communication is for explanation of the ordinance and requires no separate approval.

Councilman Virciglio introduced an ordinance entitled and reading as follows, seconded by Councilwoman Kitterman-Miller.

AN ORDINANCE TO DELETE "LOW INCOME HOUSING TAX EXEMPTION FOR WOLGAST CORPORATION", AND TO ADD IN ITS PLACE "LOW INCOME HOUSING TAX EXEMPTION FOR WICKES PARK HOMES LIMITED DIVIDEND HOUSING ASSOCIATION PARTNERSHIP", TO THE TABLE OF SPECIAL ORDINANCES VIII.

Adopted unanimously. Mayor Branch announced the ordinance would be laid over under the Charter provision.

CONSIDERATION AND PASSING OF ORDINANCES

Councilman O'Neal moved that an ordinance introduced November 23, 2009, entitled and reading as follows, be taken up and enacted, seconded by Councilwoman Kitterman-Miller:

O-93

AN ORDINANCE TO AMEND SECTION 130.52, "PARENTAL RESPONSIBILITY", AND SECTION 130.54, "VIOLATION AND PENALTY", OF SECTIONS 130.50, ET SEQ., "CURFEW FOR MINORS", OF CHAPTER 130, "OFFENSES AGAINST PUBLIC PEACE AND SAFETY", OF TITLE XIII, "GENERAL OFFENSES", OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

The City of Saginaw ordains:

Section 1. Section 130.52 "Parental Responsibility" of Chapter 130 "Offenses Against Public Peace and Safety" of Title XIII, "General Offenses", of the City of Saginaw Code of Ordinances, O-1, is hereby amended to read as follows:

§ 130.52. PARENTAL RESPONSIBILITY.

(A) The parent of any minor has a continuing responsibility to exercise reasonable control and supervision over the minor to prevent the minor from committing or participating in the commission of any delinquent act.

(B) The parental responsibility to exercise reasonable control includes the following duties, set forth for the purpose of illustration and not limitation:

- (1) To keep drugs out of the home and out of the possession of the minor, except those drugs duly prescribed by a licensed physician or other authorized medical professional;
- (2) To keep illegal firearms out of the home, and keep legal firearms out of the possession of the minor except when being used for hunting in accordance with local ordinance and state law and with the knowledge and supervision of a parent;
- (3) To know the Curfew Ordinance of the City of Saginaw (this subchapter)

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- and to require the minor to observe the Curfew Ordinance;
- (4) To require the minor to attend regular school sessions and to prevent the minor from being absent from school without parental or school permission.
 - (5) To arrange for proper supervision for the minor when the parent must be absent;
 - (6) To prevent the minor from maliciously or willfully damaging, defacing or destroying real or personal property belonging to others, including that belonging to the City;
 - (7) To forbid the minor from keeping stolen property, illegally possessing firearms or illegal drugs, or associating with known juvenile delinquents, and to seek help from appropriate governmental authorities or private agencies in handling or controlling the minor, when necessary.

Section 2. Section 130.54 "Violation and Penalty" of Chapter 130 "Offenses Against Public Peace and Safety" of Title XIII, "General Offenses", of the City of Saginaw Code of Ordinances, O-1, is hereby amended to read as follows:

§ 130.54. VIOLATION AND PENALTY.

- (A) No person shall assist, aid or abet any minor in violating this ordinance.
- (B) A parent of a minor is rebuttably presumed to have assisted, aided or abetted a minor who is determined to have committed a delinquent act under this ordinance.
- (C) A parent of a minor shall be held civilly responsible in an amount up to ten thousand (\$10,000.00) dollars for the damages caused by the commission of any delinquent act by a minor.
- (D) A person in violation of this subchapter shall be guilty of a misdemeanor and:
 - (1) Upon the first conviction of a violation of this ordinance, shall be subject to a fine not to exceed two hundred and fifty (\$250.00) dollars, or thirty (30) days in jail, or both fine and jail in the discretion of the court.
 - (2) Upon the second conviction of a violation of this ordinance, shall be sentenced to probation with the condition that the person participate in and complete a court-approved, community-based treatment program (such as parenting skills, family services, employment and training, etc.) and be subject to a fine not to exceed two hundred and fifty (\$250.00) dollars, or sixty (60) days in jail, or both fine and jail in the discretion of the court.
 - (3) Upon the third or subsequent conviction of a violation of this ordinance, shall be subject to a fine not to exceed five hundred (\$500.00) dollars, or ninety (90) days in jail, or both fine and jail in the discretion of the court.

Section 3. This ordinance shall become effective December 17, 2009.

Enacted: December 7, 2009.

Adopted unanimously.

RESOLUTIONS

Subject: Revocation of Industrial Facilities Tax Abatement Certificates

Manager's Recommendation: I recommend the revocation of the following Industrial Facilities Tax Exemption Certificates: Professional Assembly Corporation (220 Florence), IFTEC #98-715; Saginaw Rock Products (1701 N. 1st Street), IFTEC #99-709; Quality Roll, LLC (1010 Hess), IFTEC #2004-115; and KBC Trading & Processing Company (f/k/a Berger and Company and n/k/a ConAgra Foods) (1741 N. Niagara), IFTEC #98-714.

Justification: The City Assessor and City Treasurer provide an annual report to the Department of Treasury, State Tax Commission, on all Industrial Facilities Tax Exemption Certificates issued for property in the City of Saginaw. The Department of Treasury, State Tax Commission subsequently inquired on the status of several certificates issued which were not included in the annual report and requested that the legislative body formally revoke any inactive Industrial Facilities Tax Exemption Certificates. The City Assessor has reviewed her records which indicate the Industrial Facilities Tax Exemption Certificates issued to the following companies are no longer valid for the reasons set forth below and therefore should be revoked:

<u>Company Name and Address</u>	<u>Reason for Revocation</u>
Professional Assembly Corporation 220 Florence IFTEC #98-715	Moved to 1400 Weiss in Saginaw Township in 2001.
Saginaw Rock Products 1701 N. 1 st Street IFTEC #99-709	Sold this equipment in 2003.
Quality Roll, LLC 1010 Hess IFTEC #2004-115	Moved to Buena Vista Township in 2005.
KBC Trading & Processing Company 1741 N. Niagara IFTEC #98-714	Filed equipment as "idle" in 2001; removed equipment from location in 2003; sold business in 2006.

In addition to the foregoing, simultaneous with the approval of the Industrial Facilities Tax Abatement Certificates, the City of Saginaw entered into an Industrial Facilities Tax Abatement Agreement which gave the City Manager the authority, under certain circumstances, to recommend to City Council to reduce or revoke the Industrial Facilities Tax Exemption Certificate, which include, but are not limited to, abandonment of the facility or relocation of the facility operations outside the City.

The City has complied with its obligations under the Agreement in requesting these certificates be revoked. As such, I recommend City Council adopt the necessary resolution to revoke the foregoing Industrial Facilities Tax Abatement Certificates.

Council Action: This Council Communication is for explanation purposes only of the Resolutions to be adopted.

RESOLUTION TO REVOKE INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
NO. 98-714 FOR KBC TRADING & PROCESSING CO. IN THE CITY OF SAGINAW

Councilman Virciglio offered and moved adoption of the following resolution, seconded by Councilman O'Neal:

WHEREAS, an Industrial Development District was established by Resolution approved by City Council at a regular meeting held April 20, 1998, for real property description no. 14-0279A-008, located in the City of Saginaw, County of Saginaw, more commonly known as: 1741 N. Niagara, Saginaw, Michigan; and

WHEREAS, the City Council of the City of Saginaw at a regular meeting held June 1, 1998, approved an Industrial Facilities Tax Exemption Certificate, identified as IFTEC No. 98-714 (parcel no. 14-9600-00000), for KBC Trading & Processing Company for \$150,000.00 in personal property for a period of twelve (12) years, expiring December 30, 2010, and

WHEREAS, the City of Saginaw and KBC Trading & Processing Company, (f/k/a Berger & Company and n/k/a ConAgra Foods, Inc.) entered into an Industrial Facilities Tax Abatement Agreement, dated May 18, 1998, as provided under P.A. 198 of 1974, as amended, which sets forth that abandonment of the facility or relocation of facility operations outside the City would constitute grounds for an immediate revocation of the Industrial Facilities Tax Exemption Certificate; and

WHEREAS, the City Assessor has reviewed this matter and advised that KBC Trading & Processing Company (f/k/a Berger & Company and n/k/a ConAgra Foods) filed the equipment, which is the subject matter of Industrial Facilities Tax Exemption Certificate No. 98-714 (parcel no. 14-9600-00000), from the 1741 N. Niagara, Saginaw, Michigan as "idle" as of December 31, 2001, and stated it was in the process of being removed or sold, and the equipment listed on the parcel was no longer located in Michigan; and

WHEREAS, the City Assessor records further indicate that KBC Trading & Processing Company (f/k/a Berger & Company and n/k/a ConAgra Foods), sold its business at 1741 N. Niagara on April 19, 2006; and

WHEREAS, given the foregoing, the City Manager having reviewed this matter on or about November 23, 2009 recommends City Council for the City of Saginaw revoke Industrial Facilities Tax Exemption Certificate No. 98-714 (parcel no. 14-9600-00000) issued to KBC Trading & Processing Company (f/k/a Berger & Company and n/k/a ConAgra Foods).

NOW, THEREFORE, BE IT RESOLVED, that the City Council for the City of Saginaw hereby revokes Industrial Facilities Tax Exemption Certificate No. 98-714 (parcel no. 14-9600-00000) for KBC Trading & Processing Company (f/k/a Berger & Company and n/k/a ConAgra Foods) for the real property description no. 14-0279A-008, located in the City of Saginaw, County of Saginaw, more commonly known as: 1741 N. Niagara, Saginaw, Michigan.

BE IT FURTHER RESOLVED that the City Council for the City of Saginaw requests the Michigan State Tax Commission revoke Industrial Facilities Tax Exemption Certificate No. 98-714 (parcel no. 14-9600-00000) for KBC Trading & Processing Company (f/k/a Berger & Company and n/k/a ConAgra Foods) for the real property description no. 14-0279A-008, located in the City of Saginaw, County of Saginaw, more commonly known as: 1741 Niagara, Saginaw, Michigan.

Adopted unanimously.

RESOLUTION TO REVOKE INDUSTRIAL FACILITIES EXEMPTION
CERTIFICATE NO. 2004-115 FOR QUALITY ROLL, LLC
IN THE CITY OF SAGINAW

Councilwoman Seals offered and moved adoption of the following resolution, seconded by Councilman Wendt:

WHEREAS, an Industrial Development District was established by Resolution approved by City Council at a regular meeting held September 24, 2001, for real property description no. 12-0451-000-00, 12-0451-002-00, 12-0451-004-00, 12-0451-005-00, 12-0451-006-00, 12-0451-007-00, 12-0451-008-00 and 12-0451-009-00, located in the City of Saginaw, County of Saginaw, more commonly known as: 1000-1018 Hess, Saginaw, Michigan; and

WHEREAS, the City Council of the City of Saginaw at a regular meeting held April 22, 2002, approved an Industrial Facilities Tax Exemption Certificate, identified as IFTEC No. 2004-115 (parcel no. 12-9650-00000) for Quality Roll, LLC for \$159,400.00 in personal property for a period of twelve (12) years, expiring December 30, 2016, and

WHEREAS, the City of Saginaw and Quality Roll, LLC entered into an Industrial Facilities Tax Abatement Agreement, dated January 5, 2004, as provided under P.A. 198 of 1974, as amended, which sets forth that abandonment of the facility or relocation of facility operations outside the City would constitute grounds for an immediate revocation of the Industrial Facilities Tax Exemption Certificate; and

WHEREAS, the City Assessor has reviewed this matter and advised that Quality Roll, LLC moved out of the City in 2005; and

WHEREAS given the foregoing, the City Manager having reviewed this matter on or about November 23, 2009 recommends City Council for the City of Saginaw revoke Industrial Facilities Tax Exemption Certificate No. 2004-115 (parcel no. 12-9650-00000) issued to Quality Roll, LLC.

NOW, THEREFORE, BE IT RESOLVED, that the City Council for the City of Saginaw hereby revokes Industrial Facilities Tax Exemption Certificate No. 2004-115 (parcel no. 12-9650-00000) for Quality Roll, LLC for the real property description no. 12-0451-0000, located in the City of Saginaw, County of Saginaw, more commonly known as: 1010 Hess, Saginaw, Michigan.

BE IT FURTHER RESOLVED that the City Council for the City of Saginaw requests the Michigan State Tax Commission revoke Industrial Facilities Tax Exemption Certificate No. 2004-115 (parcel no. 12-9650-00000) for Quality Roll, LLC for the real property description no. 12-0451-0000, located in the City of Saginaw, County of Saginaw, more commonly known as: 1010 Hess, Saginaw, Michigan.

Adopted unanimously.

RESOLUTION TO REVOKE INDUSTRIAL FACILITIES EXEMPTION
CERTIFICATE NO. 99-709 FOR SAGINAW ROCK PRODUCTS COMPANY
IN THE CITY OF SAGINAW

Councilwoman Kitterman-Miller offered and moved adoption of the following resolution, seconded by Councilman Wendt:

WHEREAS, an Industrial Development District was established by Resolution

approved by City Council at a regular meeting held January 4, 1999, for property description no. 01-0928-000-00, 01-0930-001-00, and 01-0928-001-00, located in the City of Saginaw, County of Saginaw, more commonly known as: 1701 North 1st, 1813 North 1st and 1647 North 1st, Saginaw, Michigan; and

WHEREAS, the City Council of the City of Saginaw at a regular meeting held February 22, 1999, approved an Industrial Facilities Tax Exemption Certificate, identified as IFTEC No. 99-709, for Saginaw Rock Products Company for \$305,000.00 in personal property for a period of twelve (12) years, expiring December 30, 2011, and

WHEREAS, the City of Saginaw and Saginaw Rock Products Company, entered into an Industrial Facilities Tax Abatement Agreement, dated August 12, 1999, as provided under P.A. 198 of 1974, as amended, which gave the City Manager the authority under certain circumstances to recommend to City Council that the Industrial Facilities Tax Exemption Certificate be reduced or revoked; and

WHEREAS, the City Assessor has reviewed this matter and advised that Saginaw Rock Products Company sold the equipment, which is the subject matter of Industrial Facilities Tax Exemption Certificate No. 99-709 (parcel number 01-9671-0000) in 2003; and

WHEREAS, given the foregoing, the City Manager having reviewed this matter on or about November 23, 2009 recommends City Council for the City of Saginaw revoke Industrial Facilities Tax Exemption Certificate No. 99-709 (parcel number 01-9671-00000) issued to Saginaw Rock Products Company.

NOW, THEREFORE, BE IT RESOLVED, that the City Council for the City of Saginaw hereby revokes Industrial Facilities Tax Exemption Certificate No. 99-709 (parcel number 01-9671-00000) for Saginaw Rock Products Company for the real property description no. 01-0928-00000, located in the City of Saginaw, County of Saginaw, more commonly known as: 1701 North 1st Street, Saginaw, Michigan.

BE IT FURTHER RESOLVED that the City Council for the City of Saginaw requests the Michigan State Tax Commission revoke Industrial Facilities Tax Exemption Certificate No. 99-709 (parcel number 01-9671-00000) for Saginaw Rock Products Company for the real property description no. 01-0928-00000, located in the City of Saginaw, County of Saginaw, more commonly known as: 1701 N. 1st Street, Saginaw, Michigan.

Adopted unanimously.

**RESOLUTION TO REVOKE INDUSTRIAL FACILITIES EXEMPTION
CERTIFICATE NO. 98-715 FOR PROFESSIONAL ASSEMBLY CORPORATION
IN THE CITY OF SAGINAW**

Councilwoman Kitterman-Miller offered and moved adoption of the following resolution, seconded by Councilman Wendt:

WHEREAS, an Industrial Development District was established by Resolution approved by City Council at a regular meeting held September 28, 1998, for real property description no. 19-0502-006-00, located in the City of Saginaw, County of Saginaw, more commonly known as: 220 Florence, Saginaw, Michigan; and

WHEREAS, the City Council of the City of Saginaw at a regular meeting held October 12, 1998, approved an Industrial Facilities Tax Exemption Certificate, identified as IFTEC No. 98-715 (parcel no. 18-9550-00000), for Professional Assembly Corporation for

\$50,000.00 in real property and \$50,000.00 in personal property for a period of twelve (12) years, expiring December 30, 2010, and

WHEREAS, the City of Saginaw and Professional Assembly Corporation, entered into an Industrial Facilities Tax Abatement Agreement, dated October 8, 1998, as provided under P.A. 198 of 1974, as amended, which sets forth that abandonment of the facility or relocation of facility operations outside the City would constitute grounds for an immediate revocation of the Industrial Facilities Tax Exemption Certificate; and

WHEREAS, the City Assessor has reviewed this matter and advised that Professional Assembly Corporation moved to 1400 Weiss, in Saginaw Township in 2001; and

WHEREAS, given the foregoing, the City Manager having reviewed this matter on or about November 23, 2009 recommends City Council for the City of Saginaw revoke Industrial Facilities Tax Exemption Certificate No. 98-715 (parcel no. 18-9550-00000), issued to Professional Assembly Corporation.

NOW, THEREFORE, BE IT RESOLVED, that the City Council for the City of Saginaw hereby revokes Industrial Facilities Tax Exemption Certificate No. 98-715 (parcel no. 18-9550-00000), for Professional Assembly Corporation for the real property description no. 19-0502-006-00, located in the City of Saginaw, County of Saginaw, more commonly known as: 220 Florence, Saginaw, Michigan.

BE IT FURTHER RESOLVED that the City Council for the City of Saginaw requests the Michigan State Tax Commission revoke Industrial Facilities Tax Exemption Certificate No. 98-715 (parcel no. 18-9550-00000), for Professional Assembly Corporation for the real property description no. 19-0502-006-00, located in the City of Saginaw, County of Saginaw, more commonly known as: 220 Florence, Saginaw, Michigan.

Adopted unanimously.

RESOLUTION TO APPROVE MDOT COST AGREEMENT
NUMBER 09-5653 FOR NORTH WOODBRIDGE RECONSTRUCTION PROJECT

Councilman Browning offered and moved adoption of the following resolution, seconded by Councilman Wendt:

WHEREAS, a Cost Agreement, Number 09-5653, has been submitted by the Michigan Department of Transportation, which requires the City of Saginaw to adopt a resolution indicating its willingness to participate in the reconstruction and utility upgrade work along North Woodbridge Street from Houghton Avenue to Davenport Avenue; including Hot Mix Asphalt (HMA) Paving, concrete pavement, concrete curb and gutter, earthwork, water main, sewer main and storm sewer replacement, ADA sidewalk ramps; together with necessary related work; and

WHEREAS, the Agreement has been approved by the City Manager as to substance and by the City Attorney as to form.

NOW, THEREFORE, BE IT RESOLVED, that the City Manager be authorized to execute this agreement on behalf of the City of Saginaw.

Adopted unanimously.

Subject: Brownfield Plan, GlobalWatt Inc., Project Infinity, 1200 Leon Scott Street.
(Brownfield Plan Project No. 2009-01)
Brownfield Redevelopment Authority Recommendation:

Recommending that City Council adopt the resolution approving the Brownfield Plan for GlobalWatt Inc., Project Infinity, 1200 Leon Scott Street, which is listed under the regular order of business.

Justification: On November 19, 2009, the Brownfield Redevelopment Authority approved the Brownfield Plan Project No. 2009-01, GlobalWatt Inc., Project Infinity, 1200 Leon Scott Street. The proposed project includes the redevelopment of a 70,000 square foot industrial building. GlobalWatt plans to invest \$177 million for a solar modular production plant creating approximately 500 jobs. This Brownfield Plan has been created for the purpose of facilitating the redevelopment of the property and to allow an application for a State of Michigan Brownfield Redevelopment Michigan Business Tax (MBT) Credit.

The original Brownfield Plan was adopted by City Council on May 17, 1999 in compliance with Act 381, Public Act of 1996. The purpose of Brownfield legislation is to assist in development of vacant and/or underutilized sites. Act 381, Public Act of 1996 requires that City Council approve the plan and adopt a resolution after a duly advertised public hearing. The public hearing on the proposed plan is also on the Council Agenda for this meeting, (December 07, 2009). A notice was published in The Saginaw News. A notice was also sent to all taxing jurisdictions.

Subject to any compelling reasons to the contrary which may develop after the public hearing, it is recommended that the City Council adopt the resolution approving the Brownfield Plan for GlobalWatt Inc., Project Infinity, 1200 Leon Scott Street, which is listed under the regular order of business.

Council Action: This Council Communication is for explanation purposes only of the resolution to be approved.

A RESOLUTION TO APPROVE THE BROWNFIELD PLAN FOR THE CITY OF SAGINAW, MICHIGAN TO INCLUDE GLOBALWATT INC., PROJECT INFINITY, 1200 LEON SCOTT STREET, IN COMPLIANCE WITH THE PROVISIONS OF ACT 381, PUBLIC ACTS OF 1996.

Councilwoman Seals offered and moved adoption of the following resolution, seconded by Councilman Wendt,

WHEREAS, the Saginaw City Council approved a resolution on September 29, 1997, creating a Brownfield Redevelopment Authority and designated the boundaries of the Brownfield Redevelopment Zone; and

WHEREAS, on November 19, 2009, the Brownfield Redevelopment Authority approved the Brownfield Redevelopment Zone Development Plan to include Brownfield Plan Project No. 2009-01 – GlobalWatt Inc., Project Infinity, 1200 Leon Scott Street, which complies with the provisions of Act 381 of Public Acts of 1996; and

WHEREAS, a public hearing notice on the proposed plan was published in The Saginaw News and all taxing jurisdictions were notified of the hearing on the plan; and

WHEREAS, the Brownfield Plan constitutes a public purpose and eligible activities provided in the Plan are feasible and the cost of the eligible activities is reasonable to carry out the purposes of the Act.

NOW, THEREFORE, BE IT RESOLVED, that the Saginaw City Council does hereby approve Brownfield Plan Project No. 2009-01, GlobalWatt Inc., Project Infinity, 1200 Leon Scott Street.

BE IT FURTHER RESOLVED, that the Saginaw City Council authorize the Mayor to sign all necessary documents.

BE IT FURTHER RESOLVED, that the Saginaw City Council authorize the City Clerk to sign the Michigan Economic Development Corporation Brownfield Redevelopment Michigan Business Tax (MBT) Credit Application- Part II.

Adopted by the following vote:

Ayes: Councilpersons O'Neal, Seals, Virciglio, Wendt, Browning, Coulouris, Fitzpatrick and Kitterman-Miller-8.

Abstain: Mayor Branch-1.

RESOLUTION IN SUPPORT OF THE DEVELOPMENT OF CENTRAL MICHIGAN
UNIVERSITY'S PROPOSED MEDICAL SCHOOL IN THE RIVERFRONT ZONE
OF DOWNTOWN SAGINAW

Councilwoman Seals offered and moved adoption of the following resolution, seconded by Councilman Wendt:

WHEREAS, the City of Saginaw ("City") would reap a number of economic and other benefits through the establishment of academic and research endeavors associated with institutions of higher learning within the City limits; and

WHEREAS, the City welcomes partnerships with residents, concerned citizens, and institutions of higher learning that result in the greater growth and development of the City; and

WHEREAS, Central Michigan University has stated its intention to develop some portion of a new medical school in Mid-Michigan, and

WHEREAS, the City has established a development agreement with Dr. Gerald R. Schell, a neurosurgeon who practices in Saginaw, and Michigan Healthpark Development, LLC, for the establishment of a healthcare campus within the downtown riverfront zone; and

WHEREAS, the aforementioned healthcare campus could provide an especially suitable environment for the development and growth of research and academic activities associated with a medical school.

WHEREAS, the development and growth of the healthcare sector, vital to the City's economy, depends on the education and training of new physicians to meet the increasing demand in the area for physicians.

WHEREAS, a variety of economic and other associated benefits to the City may result from the development and growth of research and academic activities associated with a medical school.

NOW, THEREFORE, BE IT RESOLVED, that the City of Saginaw supports the efforts of Central Michigan University and others that would result in the development and growth of research and academic activities associated with a medical school in the Riverfront zone of downtown Saginaw. Further, it is recommended that City Council designate a member of the Saginaw Riverfront Development Commission as advisor to the City to assist Central Michigan University with matters associated with the development of research and academic activities associated with a medical school within the city limits of Saginaw.

Adopted unanimously.

RESOLUTION RECOGNIZING THE GREAT CONTRIBUTIONS
MADE BY TOSHIJI MIKI TO THE CITY OF SAGINAW

Councilwoman Seals offered and moved adoption of the following resolution, seconded by Councilman Virciglio:

WHEREAS, On behalf of the citizens of Saginaw and the City Council, we want to offer our warmest condolences and heartfelt sympathy to the family of our friend and former mayor of Tokushima, Japan, Toshiji Miki; and

WHEREAS, the City of Saginaw takes great pride in our Sister City's efforts and acknowledges Mr. Miki for his good works and his tireless work ethic; and

WHEREAS, His years of service as mayor of Tokushima have been marked by exemplary dedication to the best interests of the community, as he worked for the betterment of its economic, cultural and aesthetic development; and

WHEREAS, He justly earned the respect, admiration and high regard of all with whom he came into contact, and this community has sustained a great loss in his death; now

THEREFORE, BE IT RESOLVED, that this Council, speaking on behalf of all our citizens, hereby goes on record as recognizing the great contributions made by Toshiji Miki to the City of Saginaw, and extends to the members of his family this expression of sincere regret for their loss, and hope that they will be consoled by the memories of his fine life and achievements.

Adopted unanimously.

MOTIONS AND MISCELLANEOUS BUSINESS

Councilman O'Neal thanked the CAC, which recently celebrated 44 years of service in Saginaw County and honored over 30 unsung heroes. He acknowledged City Manager Darnell Earley for being appointed to the State Review Panel to review Benton Harbor's financial structure. Offered condolences to the family of Robert (Bob) Martin.

Councilwoman Kitterman-Miller inquired as to how someone would get involved with reviewing the new land use ordinance for processing, distributing and dispensing of Marihuana. (*City Attorney Tom Fancher said such individuals should watch the City's website.*)

ADJOURNMENT

At 8:08 p.m., Councilman Browning moved to adjourn the meeting, seconded by Councilman Wendt.

Adopted unanimously.

Diane M. Herman
City Clerk