

Council Agenda

August 19, 2013 6:30 p.m.
Council Chamber

PRAYER AND PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

1. Certificate of Recognition presented to the Voltz Family in honor of the Voltz Family Reunion celebration.

PUBLIC HEARINGS:

PERSONAL APPEARANCES:

(A list will be provided following submittal deadline.)

REMARKS OF COUNCIL:

REPORTS FROM MANAGER:

Management Update:

1. Public Safety Update, Darnell Earley, City Manager.
2. Equal Employment Opportunity Report/Personnel Update, Beth Carson Church, Assistant Director of Employee Services.
3. Riverfront Development Commission Update.
4. New Enrichment Revitalization Advocates Design Charrette for Downtown Saginaw.

CONSENT AGENDA:

1. Approve the August 5, 2013 regular council meeting minutes.
2. Approve a purchase order for \$16,048 to IBM Corporation to renew the Lotus Notes subscription for maintenance coverage and license fees to operate the e-mail, calendar and workflow system.
3. Approve the payment to Pro-Tech Cabling Systems, Inc. for \$7,539.41 for the emergency repair of a fiber optic communications line at the Wastewater Treatment Plant.
4. Approve separate annual purchase orders to I.E., Inc. for \$42,000 for Fiscal Years 2014 and 2015 for compost grinding services.

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5. Approve separate purchase orders for Fiscal Year 2014 to Etna Supply for \$60,136.30 and to Michigan Pipe and Valve for \$152,895 for a one-year supply of Water Main Appurtenances to be used in the Maintenance and Service Division.
6. Adopt the Resolution authorizing the use of amplifying equipment at 1537 S. Washington Avenue during the "Fiesta de Mexico" event on September 14, 2013, from 12:00 p.m. to 8:00 p.m.
7. Adopt the Resolution authorizing the use of amplifying equipment at Ojibway Island during the "Skool is Cool" Community Day event on August 31, 2013, from 12:00 p.m. to 7:00 p.m.
8. Approve a purchase order to Kennedy Industries, a sole source, for \$2,309 to reline a 30" Dezurik valve for the Wastewater Treatment Division.
9. Approve a purchase order to Wesco Distribution, Inc., a sole source, for \$3,270.61 for a Motor Protect 3000 overload protection unit for the #3 high service pump at the Weiss Street Retention and Treatment Basin.

REPORTS FROM BOARDS AND COMMISSIONS AND COMMITTEES AND APPOINTMENT OF BOARD AND COMMISSION MEMBERS:

INTRODUCTION OF ORDINANCES:

1. An Ordinance to amend §151.095 "Findings and Purpose," §151.096 "Definitions," §151.097 "Non-owner Occupied Property - Prohibited Conduct," §151.098 "Non-owner Occupied Property – Registry," §151.099 "Unoccupied Property Registry," §151.100 "Violation/Abatement," and §151.101 "Fees," of Chapter 151 "Housing Regulations," Title XV "Land Usage," of the City of Saginaw Code of Ordinances O-1.
2. An Ordinance to repeal the "Riverfront and Business District Overlay Zone," and to repeal the "Riverfront Mixed Use District," and to add new "Riverfront Mixed Use District," of Chapter 153, "Zoning Regulations," of Title XV "Land Usage," of the City of Saginaw Code of Ordinances , O-1.
3. An Ordinance to amend the Zoning Classification of certain properties within an area more or less bounded to the North by Weiss Street extended Easterly; to the East by part of Washington Avenue, 2nd Street, Millard Street, Owen Street, Howard Street and Jefferson Avenue; to the South by part of Rust Avenue and Stephens Street; to the West by part of Fayette Street, S. Harrison Street, Remington Avenue, N. Bond Street, Cooper Avenue, Stone Street, Congress Avenue, Schaefer Street, Davenport Avenue and Carrolton Street, to Riverfront Mixed Use.

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CONSIDERATION AND PASSING OF ORDINANCES:

1. An Ordinance to amend § 92.09, "Pyrotechnics," of Chapter 92, "Fire Protection and Public Safety," of Title IX, "General Regulations," of the City of Saginaw Code of Ordinances, O-1.

RESOLUTIONS:

1. Adopt resolution to support the New Enrichment Revitalization Advocates Design Charrette for Downtown Saginaw.

UNFINISHED BUSINESS:

MOTIONS AND MISCELLANEOUS BUSINESS:

ADJOURN:

Darnell Earley
City Manager

IF YOU ARE DISABLED AND NEED ACCOMMODATION TO PROVIDE YOU WITH AN OPPORTUNITY TO PARTICIPATE OR OBSERVE IN PROGRAMS, SERVICES, OR ACTIVITIES, PLEASE CALL THE SAGINAW CITY CLERK, 1315 S. WASHINGTON AVE., 989.759.1480.

CERTIFICATE OF RECOGNITION

presented to

The Voltz Family

On behalf of the citizens of Saginaw, it is an honor and privilege to welcome members of the Voltz family to our fine City and extend this Certificate of Recognition for your 2013 Family Reunion. We honor your dedication to one another and to the Voltz family traditions. We salute these traditions and commend your commitment to recognize the family as the basis of our nation's strength and morality. We hope this will be an opportunity to reunite and strengthen your family bonds, make new memories as well as reminisce, and to cherish your precious time together as a family. As you celebrate this weekend, always remember that family life is the highest and most enduring product of our civilization.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Saginaw to be affixed this 10th day of August in the year of our Lord two thousand and thirteen.



August 10, 2013

A handwritten signature in black ink, appearing to read "Gregory L. Branch".

Gregory L. Branch, Mayor

Councilpersons

*Dennis Browning, Mayor Pro Tem
Annie Boensch, Norman Braddock,
Larry Coulouris, Daniel Fitzpatrick, Floyd Kloc,
Amos O'Neal, and Andrew Wendt*

Darnell Earley, City Manager

REGULAR MEETING OF THE COUNCIL OF THE CITY OF SAGINAW, MICHIGAN, HELD MONDAY, AUGUST 5, 2013, AT 6:30 P.M. IN THE COUNCIL CHAMBER OF CITY HALL.

PRAYER AND PLEDGE OF ALLEGIANCE

Council Member Braddock offered a prayer and led the pledge of allegiance.

ROLL CALL

Mayor Branch called the meeting to order. Council Members present: Floyd Kloc, Amos O'Neal, Daniel Fitzpatrick, Larry Coulouris, Mayor Pro Tem Dennis Browning, Andrew Wendt, Norman Braddock, Annie Boensch and Mayor Gregory Branch - 9. Council Members absent: None - 0.

ANNOUNCEMENTS

City Clerk Janet Santos made the announcement that nominating petitions are available for the 2013 City Election and must be filed with the City Clerk on or before August 13, 2013 at 4:00 p.m.

Council Member O'Neal read a proclamation declaring August 9-11, 2013 as "Saginaw African Cultural Festival Weekend." The proclamation was accepted by Charles McNair.

PERSONAL APPEARANCES

The following persons addressed the Council: Maryanne Lopez, Shatoris Jackson and Vivian Rankins.

REMARKS OF COUNCIL

Remarks were heard from the following Council Members: Kloc, O'Neal, Fitzpatrick, Coulouris, Mayor Pro Tem Browning, Wendt, Braddock, Boensch and Mayor Branch.

REPORTS FROM CITY MANAGER

Management Update

There were no reports from the City Manager.

Consent Agenda

1. Approve the July 15, 2013 regular council meeting minutes.
2. Approve Petition 13-09 from Pulse 3 Foundation to erect banner located at Court Street from August 9 through September 9, 2013 to promote the "Run for Your Heart" race.
3. Approve the appointment of Grace DeLeon as officer delegate and Dennis Jordan as alternate officer delegate, and Andy Gwizdala as employee delegate and Mike Hagen as alternate employee delegate, to attend the Municipal Employees Retirement System's 67th Annual Meeting.
4. Approve the Agreement with Michigan Business Consultants and issue a purchase order for \$14,620 to provide diversity, cultural sensitivity and harassment training for all City employees.
5. Approve Lease Agreement with Big Brothers/Big Sisters to allow occupancy and construction of facility at 1910 Fordney Street.

6. Approve the Fiscal Year 2014 budget adjustment of the Drug Forfeiture Fund's Use of Fund Equity Account by \$60,139 for the purchase of 2 patrol vehicles and items to outfit the vehicles for the Police Department. This increase in revenues will be offset by an increase to the Drug Forfeiture Fund's Vehicle account by the same amount.
7. Approve a purchase order to Snethkamp Dodge for \$60,138 for the purchase and outfitting of two Dodge Chargers for the Police Department.
8. Approve the payment to Jack Doheny Supplies for \$2,219.26 for the emergency purchase of debris tank repair parts for the Motor Pool Operations Garage Division.
9. Approve the payment to Michigan Truck Spring for \$2,933.95 for the emergency purchase of repair parts for the Motor Pool Operations Garage Division.
10. Approve a purchase order to Air Gas, Inc. for \$2,800 for tank rental charges for the Motor Pool Operations Garage Division.
11. Approve blanket purchase orders for Fiscal Year 2014 for a combined total of \$28,800 to suppliers of local fleet vehicle services and repairs for the Motor Pool Operations Garage Division.
12. Approve blanket purchase orders for Fiscal Year 2014 for a combined total of \$54,000 to suppliers of local fleet vehicle parts and supplies for the Garage inventory for the Motor Pool Operations Garage Division.
13. Approve a blanket purchase order for Fiscal Year 2014 to Larry's Auto Supply for \$3,000 for various tools for the Motor Pool Operations Garage Division.
14. Approve blanket purchase orders for Fiscal Year 2014 for a combined total of \$158,500 to suppliers of local fleet vehicles parts and supplies for the Motor Pool Operations Garage Division.
15. Adopt the Resolution authorizing the use of amplifying equipment at FirstMerit Event Park for events from August 15 through November 30, 2013 from 10:00 a.m. to 11:00 p.m.
16. Adopt the Resolution authorizing the use of amplifying equipment at Bliss Park for the "If My People" Youth Event on August 17, 2013 from 2:00 p.m. to 4:30 p.m.
17. Adopt the Resolution authorizing the use of amplifying equipment at New Galilee Baptist Church at North 12th Street during their "Block Party" Family and Friends Day on August 24, 2013 from 11:00 a.m. to 6:00 p.m.
18. Adopt the Resolution authorizing the use of amplifying equipment in the 500 block of Ames Street between South Michigan and Fayette Street during the "Learning Links" concert event on August 13, 2013 from 10:00 a.m. to 12:00 p.m.
19. Adopt the Resolution authorizing the sale and consumption of alcoholic beverages at the Altered Skin Revolution event in the 300 block of Hamilton Street between Cass and Van Buren on September 13 and 14, 2013 from 4:00 p.m. to 10:00 p.m.

20. Adopt the Resolution authorizing the use of amplifying equipment at the Altered Skin Revolution event in the 300 block of Hamilton Street between Cass and Van Buren on September 13 and 14, 2013 from 4:00 p.m. to 10:00 p.m.
21. Approve the payment to Remer Plumbing, Heating and Air Conditioning, Inc. for \$3,510 for emergency repairs to the City Hall boilers.
22. Approve to increase PO #48233 to Beyer Roofing Company, Inc. by \$7,125 and increase PO #48224 to Cusack's Masonry Restoration, Inc. by \$5,952.25 for additional work required for the roof replacement and masonry repairs at City Hall.
23. Approve a purchase order to Pumps Plus, Inc. for \$15,059.80 for replacement parts to rebuild one grit slurry cup at the Wastewater Treatment Plant.
24. Approve a purchase order to Lingle Equipment Co. for \$27,000 for a Sky Trak extended reach forklift for the Wastewater Treatment Plant.

Council Action:

Moved by Mayor Pro Tem Browning, seconded by Council Member Braddock to approve the consent agenda items 1 through 4 and 7 through 24 as presented. 9 ayes, 0 nays, 0 absent. Motion carried.

Moved by Council Member Coulouris, seconded by Mayor Pro Tem Browning to approve the consent agenda item 5 as presented. 9 ayes, 0 nays, 0 absent. Motion carried.

Moved by Council Member Fitzpatrick, seconded by Council Member Wendt to approve the consent agenda item 6 as presented. 9 ayes, 0 nays, 0 absent. Motion carried.

REPORTS FROM BOARDS; COMMISSIONS AND COMMITTEES, AND
APPOINTMENT OF BOARD AND COMMISSION MEMBERS

Council Member Coulouris reported that the Planning Commission approved the site plan for Tri-Cap and the recommendation to update the "Riverfront Mixed Use" sections of Chapter 153: "Zoning Regulations." He also reported that the County Land Bank Authority is selling properties and is in collaboration with the City to proceed with demolition upon award of a Federal Grant program.

Mayor Pro Tem Browning reported information from the Region VII Area Agency on Aging meeting that financial assistance is available to grandparents who have legal guardianship of their grandchildren.

Council Members Braddock and O'Neal spoke of the success of the SVRC Industries Youth Program that the City is participating in again this year, provided by the 21st Century Program and financed by United Way.

INTRODUCTION OF ORDINANCES

Moved by Council Member Kloc, seconded by Council Member Wendt to introduce an Ordinance to amend § 92.09, "Pyrotechnics," of Chapter 92, "Fire Protection and Public Safety," of Title IX, "General Regulations," of the City of Saginaw Code of Ordinances, O-1. 9 ayes, 0 nays, 0 absent. Motion carried. Mayor Branch announced that the ordinance is laid over under Charter provision.

Moved by Council Member Coulouris, seconded by Council Member Fitzpatrick to introduce an Ordinance to repeal §153.445 “Statement of Purpose,” §153.446 “Principal Permitted Uses,” §153.447 “Prohibited Uses,” §153.448 “Permitted Uses After Special Approval,” §153.449 “General Review and Design Guidelines,” and §153.450 “Boundaries of the Riverfront Overlay Zone,” of the “Riverfront and Business District Overlay Zone,” and to repeal §153.460 “Purpose,” §153.461 “Principal Permitted Uses,” §153.462 “Permitted Uses After Special Approval,” §153.463 “Site Plan Review,” §153.464 “Area, Height, Bulk, and Placement Requirements and Performance Standards,” of the “Riverfront Mixed Use District,” and to add new §153.460 “Purpose,” §153.461 “Principal Permitted Uses,” §153.462 “Permitted Uses After Special Approval,” §153.463 “Required Conditions,” §153.464 “Site Plan Reviews,” §153.465 “Area, Height, Bulk and Placement Requirements and Performance Standards,” and §153.466 “General Review and Design Guidelines,” of the “Riverfront Mixed Use District,” of Chapter 153, “Zoning Regulations,” of Title XV “Land Usage,” of the City of Saginaw Code of Ordinances , O-1. Discussion was held.

Moved by Council Member Wendt, seconded by Council Member O’Neal to postpone, until the next Council meeting, the introduction of the Ordinance to repeal §153.445 “Statement of Purpose,” §153.446 “Principal Permitted Uses,” §153.447 “Prohibited Uses,” §153.448 “Permitted Uses After Special Approval,” §153.449 “General Review and Design Guidelines,” and §153.450 “Boundaries of the Riverfront Overlay Zone,” of the “Riverfront and Business District Overlay Zone,” and to repeal §153.460 “Purpose,” §153.461 “Principal Permitted Uses,” §153.462 “Permitted Uses After Special Approval,” §153.463 “Site Plan Review,” §153.464 “Area, Height, Bulk, and Placement Requirements and Performance Standards,” of the “Riverfront Mixed Use District,” and to add new §153.460 “Purpose,” §153.461 “Principal Permitted Uses,” §153.462 “Permitted Uses After Special Approval,” §153.463 “Required Conditions,” §153.464 “Site Plan Reviews,” §153.465 “Area, Height, Bulk and Placement Requirements and Performance Standards,” and §153.466 “General Review and Design Guidelines,” of the “Riverfront Mixed Use District,” of Chapter 153, “Zoning Regulations,” of Title XV “Land Usage,” of the City of Saginaw Code of Ordinances , O-1.

Roll call vote:

Ayes: Kloc, O’Neal, Fitzpatrick, Mayor Pro Tem Browning, Wendt, Braddock

Nays: Coulouris, Boensch, Mayor Branch

Absent: None

Abstain: None

Motion carried.

Moved by Council Member Coulouris, seconded by Council Member Boensch to introduce an Ordinance to amend the Zoning Classification of certain properties within an area more or less bounded to the north by Weiss Street extended Easterly; to the east by part of Washington Avenue, 2nd Street, Millard Street, Owen Street, Howard Street and Jefferson Avenue; to the South by part of Rust Avenue and Stephens Street; to the West by part of Fayette Street, S. Harrison Street, Remington Avenue, N. Bond Street, Cooper Avenue, Stone Street, Congress Avenue, Schaefer Street, Davenport Avenue and Carrollton Road, to Riverfront Mixed Use. Discussion was held.

Moved by Council Member Wendt, seconded by Council Member Braddock to postpone, until the next Council meeting, the introduction of the Ordinance to amend the Zoning Classification of certain properties within an area more or less bounded to the north by

Weiss Street extended Easterly; to the east by part of Washington Avenue, 2nd Street, Millard Street, Owen Street, Howard Street and Jefferson Avenue; to the South by part of Rust Avenue and Stephens Street; to the West by part of Fayette Street, S. Harrison Street, Remington Avenue, N. Bond Street, Cooper Avenue, Stone Street, Congress Avenue, Schaefer Street, Davenport Avenue and Carrollton Road, to Riverfront Mixed Use. 9 ayes, 0 nays, 0 absent. Motion carried.

RESOLUTIONS

Moved by Mayor Pro Tem Browning, seconded by Council Member Coulouris to adopt the resolution to dissolve the Local Development Finance Authority. 9 ayes, 0 nays, 0 absent. Motion carried.

ADJOURNMENT

Moved by Council Member Coulouris seconded by Council Member Wendt to adjourn the meeting at 8:01 p.m. 9 ayes, 0 nays, 0 absent. Motion carried.

Janet Santos, CMC/MMC
City Clerk

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From: Darnell Earley, City Manager
Subject: Renewal of Lotus Notes Software Subscription
Prepared by: Chris Seager, Technical Services

Manager's Recommendation:

I recommend approval and issuance of a purchase order to IBM Corporation in the amount of \$16,048 as an annual payment for the renewal of the City's Lotus Notes software subscription for maintenance coverage and license fees to operate the City of Saginaw's e-mail, calendar and workflow system.

Justification:

Lotus Notes is the e-mail and calendar software used by the City of Saginaw. The annual subscription provides support, upgrades and license coverage for Lotus Notes.

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 and available in the Technical Services - IS Fund, Operating Services Account No. 658-1720-711.80-05 for this purchase.

Council Action:

Moved by Council Member _____, seconded by Council Member _____ to approve the recommendation from the City Manager.

From: Darnell Earley, City Manager
Subject: Emergency Fiber Repair
Prepared by: Chris Seager, Technical Services

Manager's Recommendation:

I recommend that payment be made to Pro-Tech Cabling Systems, Inc. in the amount of \$7,539.41 for the emergency repair of the fiber optic communications line to the Wastewater Treatment Plant. The bid process was not utilized because of the emergency nature of this repair.

Justification:

On July 4, 2013, the fiber optic communications line to the Wastewater Treatment Plant was damaged. This line carries phone and computer network service to the plant and it was important that these services be restored quickly. Repair of fiber optic cable is highly specialized work requiring special equipment and training. Pro-Tech Cabling Systems, Inc. performed the initial installation of the cable. They also performed satisfactory fiber repairs for the City on prior occasions. Pro-Tech had technicians that could be sent immediately to make the repair.

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 payment are available in the Technical Services - IS Fund, General Repairs Account No. 658-1720-930.000.

Council Action:

Moved by Council Member _____, seconded by Council Member _____ to approve the recommendation from the City Manager.

From: Darnell Earley, City Manager
Subject: Compost Grinding Services - ROW Division
Prepared by: Beth D. London, Public Services Department

Manager's Recommendation:

I recommend the low bid from I.E., Inc., of Flint, MI, be accepted and that separate annual purchase orders be approved and issued to them in the amount of \$42,000 for Fiscal Year 2014 and \$42,000 for Fiscal Year 2015 for grinding up to 35,000 cubic yards of yard waste at the City Compost Site.

Justification:

On August 6, 2013, sealed bids were received for grinding 15,000 to 35,000 cubic yards of material at the City's Compost Site. The green and brown compost materials must be mixed and ground in order to provide a finished compost product and prevent compost fires. The City no longer owns equipment that is necessary to perform this work. I.E., Inc. is the lowest bidder at a cost of \$1.20 per cubic yard. The City reserves the right to extend the bid for one year for Fiscal Year 2016, if the vendor agrees to hold their price.

The following is a tabulation of the bids received:

		<u>Unit Price</u>	<u>Total Cost</u>
I.E., Inc.	FY14	\$1.20 / cyd	\$42,000
Flint, MI (out city)	FY15	\$1.20 / cyd	\$42,000
Spurt Industries	FY14	\$2.59 / cyd	\$90,650
Zeeland, MI (out city)	FY15	\$2.59 / cyd	\$90,650

I. E., Inc. 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 Rubbish Collection Fund - Composting Division's Operating Services Account Number 226-4587-805.000 for Fiscal Year 2014 and will be budgeted in the same account for Fiscal Year 2015.

Council Action:

Moved by Council Member _____, seconded by Council Member _____ to approve the recommendation from the City Manager.

From: Darnell Earley, City Manager
Subject: Annual Purchase Orders for Water Main Appurtenances
Prepared by: John Premo, Public Services Department

Manager’s Recommendation:

I recommend that separate purchase orders for Fiscal Year 2014 be approved and issued to Etna Supply, Grand Rapids, MI, in the amount of \$60,136.30 and to Michigan Pipe and Valve, Zilwaukee, MI, in the amount of \$152,895 for a one-year supply of Water Main Appurtenances to be used in the Maintenance and Service Division.

Justification:

On July 30, 2013, the City received bids from three vendors for a one-year supply of Water Main Appurtenances. This bid included 53 Sub-Groups and over 3,000 various items used annually in the maintenance, repair, and construction of the Water Distribution and Transmission Systems. A cost comparison shows an average decrease of 2% from Fiscal Year 2013 to Fiscal Year 2014. The following is a tabulation of the bids received, with Etna Supply awarded items #5, #6, #8 and #10, and Michigan Pipe and Valve awarded items #1, #2, #3, #4, #7 and #9.

<u>GRP First Year – 2014</u>	<u>Etna Supply Grand Rapids, MI</u>	<u>East Jordan, MI</u>	<u>MI Pipe & Valve Saginaw, MI</u>
#1 Water Service Boxes	\$51,545.25	0	\$49,170.00*
#2 Valve Service Boxes	\$54,616.50	0	\$53,550.00*
#3 Resilient Wedge Cut Valves	\$35,131.00	\$ 31,363.44	\$28,135.00*
#4 Bell Clamps	\$ 5,005.00	0	\$ 4,297.00*
#5 Type Duo Solid Sleeves	\$38,484.00*	0	\$54,982.00
#6 20" Oal MJ Cut in Sleeves	\$11,380.00*	0	\$12,142.00
#7 MJ Ductile Iron Caps	\$ 3,476.00	0	\$ 2,434.00*
#8 Mega Lug Restraining	\$ 1,367.30*	0	\$ 1,464.00
#9 Smith Blair Repair Clamps	\$28,101.00	0	\$15,309.00*
#10 Resilient Wedge Tapping	\$ 8,905.00*	\$ 9,351.83	\$ 9,378.00
*TOTAL	*\$60,136.30		*\$152,895.00

***Awarded bid based on lower quote for Group.**

These vendors meet 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 these purchases are budgeted in the Water Operation and Maintenance Fund – Maintenance and Service Division’s Parts & Supplies Account No. 591-4721-742.000 (\$213,031.30).

Council Action:

Moved by Council Member _____, seconded by Council Member _____ to approve the recommendation of the City Manager.

From: Darnell Earley, City Manager

Subject: Mexican American Council - Use Amplifying Equipment

Prepared by: Evelyn McGovern, Public Services Department

Manager's Recommendation:

I recommend adoption of the Resolution authorizing the Mexican American Council the use of amplifying equipment for the "Fiesta de Mexico" event to be held September 14, 2013, from 12:00 p.m. to 8:00 p.m. at 1537 S. Washington Avenue.

Justification:

On August 5, 2013, the Mexican American Council submitted an application for the "Fiesta de Mexico" event. They request permission to use amplifying equipment at their place of business located at 1537 S. Washington Avenue during the event as specified.

In accordance with Title IX, "General Regulations" of Chapter 94, "Nuisance: Health and Safety," §94.22, "Noise Prohibited" provides that "no person shall use or permit the use of any sound amplifying equipment.....the sound of which is cast upon any street, alley, or public property so as to produce sound that is already audible more than fifty (50) feet from the point of amplification." Street is defined to include "a public or private highway or other place open to the general public." It is respectable and responsible of an event sponsor to request approval from City Council for the use of amplifying equipment to avoid violation of City ordinance.

Council Action:

This Council Communication is for explanation purposes only of the Resolution to be adopted.

**AUTHORIZE THE MEXICAN AMERICAN COUNCIL
TO USE AMPLIFYING EQUIPMENT
AT 1537 S. WASHINGTON AVENUE ON SEPTEMBER 14, 2013**

Moved by Council Member _____, seconded by Council Member _____ to adopt the following resolution:

WHEREAS, the Mexican American Council will have a “Fiesta de Mexico” event September 14, 2013; and

WHEREAS, Mexican American Council has requested permission to use amplifying equipment during said event from 12:00 p.m. to 8:00 p.m. to avoid violation of City ordinance §94.22 “Noise Prohibited”; and

WHEREAS, City Council can authorize the use of amplifying equipment.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Saginaw hereby authorizes the use of amplifying equipment during the “Fiesta de Mexico” event to be held September 14, 2013 from 12:00 p.m. to 8:00 p.m. at 1537 S. Washington Avenue.

- Ayes:
- Nays:
- Absent:
- Abstain:

RESOLUTION DECLARED ADOPTED

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on August 19, 2013; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

Janet Santos, CMC/MMC
City Clerk

From: Darnell Earley, City Manager

Subject: Parishioner on Patrol - Use Amplifying Equipment

Prepared by: Evelyn McGovern, Public Services Department

Manager's Recommendation:

I recommend approval of the Resolution authorizing the Parishioner on Patrol the use of amplifying equipment for the "Skool is Cool" Community Day event to be held on August 31, 2013 from 12:00 p.m. to 7:00 p.m. at Ojibway Island.

Justification:

On August 7, 2013, the Parishioner on Patrol submitted an application for the "Skool is Cool" Community Day event. They requested permission to use amplifying equipment at Ojibway Island during the event.

In accordance with Title IX, "General Regulations" of Chapter 94, "Nuisance: Health and Safety," §94.22, "Noise Prohibited" provides that "no person shall use or permit the use of any sound amplifying equipment.....the sound of which is cast upon any street, alley, or public property so as to produce sound that is already audible more than fifty (50) feet from the point of amplification." Street is defined to include "a public or private highway or other place open to the general public." It is respectable and responsible of an event sponsor to request approval from City Council for the use of amplifying equipment to avoid violation of City ordinance.

Also, in accordance with Title IX, "General Regulations" of Chapter 99: Special Events, §99.21, "Use of Sound Amplifying Equipment," if an event sponsor intends to use sound amplifying equipment, the event sponsor is required to obtain approval from City Council.

Council Action:

This Council Communication is for explanation purposes only of the Resolution to be adopted.

AUTHORIZE THE PARISHIONERS ON PATROL TO USE AMPLIFYING EQUIPMENT AT OJIBWAY ISLAND ON AUGUST 31, 2013

Moved by Council Member _____, seconded by Council Member _____ to adopt the following resolution:

WHEREAS, the Parishioners on Patrol will have a “Skool is Cool” Community Day event August 31, 2013; and

WHEREAS, Parishioners on Patrol has requested permission to use amplifying equipment during said event from 12:00 p.m. to 7:00 p.m. to comply with City ordinance “Chapter 99: Special Events,” §99.18 “Use of Sound Amplifying Equipment,” and to avoid violation of City ordinance §94.22 “Noise Prohibited”; and

WHEREAS, City Council can authorize the use of amplifying equipment.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Saginaw hereby authorizes the use of amplifying equipment during the “Skool Is Cool” Community Day event to be held August 31, 2013 from 12:00 p.m. to 7:00 p.m. at Ojibway Island.

Ayes:

Nays:

Absent:

Abstain:

RESOLUTION DECLARED ADOPTED

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on August 19, 2013; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

Janet Santos, CMC/MMC
City Clerk

From: Darnell Earley, City Manager
Subject: Relining of a Thirty Inch Dezurik Plug
Prepared by: Brian Baldwin, Water and Wastewater

Manager's Recommendation:

I recommend that the quote from Kennedy Industries of New Hudson, MI, a sole source, be accepted and a purchase order be issued to them in the amount of \$2,309 to reline a 30" Dezurik valve for the Wastewater Treatment Division.

Justification:

In April of this year, Saginaw City Council approved the purchase of a 30" Dezurik valve plug insert in the amount of \$9,900, to replace one that failed at the Wastewater Plant. The Wastewater Plant has six of these valves, one for each of the raw sewage pumps. These valves must be in place and operational in order to remove the raw sewage pumps for maintenance. When we replaced the valve in April the factory advised us that they could rebuild the old one for a fraction of the cost of a new one. On July 29, 2013 we received an estimated quote of \$2,309 to reline our 30" Dezurik plug. This is an estimate because until they get the plug back to the factory they cannot be sure there isn't additional damage. If there are costs in excess of 15% of this quote, council approval will be sought before the additional costs are authorized. This relined plug will be kept in stock. Kennedy Industries is the manufacturer's representative for Dezurik and a sole source for replacement parts.

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 Sewer Operations and Maintenance Fund, Treatment and Pumping Division's Parts and Supplies Account No. 590-4830-742.000

Council Action:

Moved by Council Member _____, seconded by Council Member _____ to approve the recommendation from the City Manager.

From: Darnell Earley, City Manager
Subject: Motor Overload Protection Unit Purchase
Prepared by: Brian Baldwin, Water and Wastewater

Manager's Recommendation:

I recommend that the quote from Wesco Distribution, Inc. of Saginaw, a sole source, be accepted and a purchase order be issued to them in the amount of \$3,270.61 for the purchase of a Motor Protect 3000 overload protection unit for the #3 high service pump at the Weiss Street Retention and Treatment Basin.

Justification:

On July 24, 2013 we received a quote from Wesco Distribution, Inc. for a Motor Protect 3000 overload protection unit. The Weiss Street Retention and Treatment Basin has three pumps which come on automatically during high flows to relieve the main sewer interceptor and prevent basement flooding. The overload protection units prevent the pumps from drawing too many amps and burning up the motors. Two of the three pumps have had the original overload protection units replaced with the Motor Protect 3000 units. This is a replacement for the third pump which still has the original equipment which has quit working. Wesco Distribution, Inc. is the local distributor for Eaton and the sole source for this equipment.

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 Operations and Maintenance Fund, Remote Facilities Division's Parts and Supplies Account No. 590-4835-742-000.

Council Action:

Moved by Council Member _____, seconded by Council Member _____ to approve the recommendation from the City Manager.

From: Darnell Earley, City Manager

Subject: Amendment of Housing Regulations Ordinance

Prepared By: John C. Stemple, Chief Inspector

Manager's Recommendation:

I recommend the amendment of §151.095 "Findings and Purpose," §151.096 "Definitions," §151.097 "Non-Owner Occupied Property - Prohibited Conduct," §151.098 "Non-Owner Occupied Property - Registry," §151.099 "Unoccupied Property Registry," §151.100 "Violation/Abatement," and §151.101 "Fees," of Chapter 151 "Housing Regulations," Title XV "Land Usage," of the City of Saginaw Code of Ordinances O-1, and to establish an annual registration fee of \$150.00.

Justification:

In the first quarter of 2012 the SEIU Local 517 proposed to the City staff and Saginaw City Council to develop what was termed as a "Foreclosure Ordinance." They demonstrated that this type of ordinance had been successful in other communities across the country in dealing with absentee property owners by the implementation of stiff fines and penalties for those owners who did not maintain vacant properties. These fines and penalties are then used for enforcement efforts and neighborhood stabilization.

On May 7, 2012, Mayor Greg Branch appointed four members of council to a committee charged with the development of an ordinance that fits the needs of the City of Saginaw looking at the problem of property maintenance, cost recovery on demolition of blighted properties, and mitigation of the loss of information and artifacts in demolitions of blighted properties. The members of council appointed to the committee include Council Member Boensch who acted as the chairperson, Larry Coulouris, Norman Braddock, and Floyd Kloc. Also participating in the development were the City Manager, the ACM for Public Safety, the City Clerk, the City Attorney, and the Chief Inspector. Input was also received from neighborhood associations, local banking institutions, and the Saginaw landlord's association, all of whom were stakeholders in the outcome. The work of the Committee as well as the input from outside groups produced the contents of this ordinance.

The final version of the ordinance, which is presented, includes several changes to our existing ordinance and does not create a "new" ordinance. The amendments provide laws which regulate vacant structures in the City of Saginaw. The first change requires that anyone that owns a vacant structure in the City of Saginaw, who is not actively seeking tenants, must register the property with the City Clerk. This registration requires the annual payment of a

\$150.00 annual fee. The revenue from this fee will be used to offset the cost of administration and enforcement.

Additionally, the ordinance places a number of requirements related to the maintenance of the exterior of the building and property which include:

Properties subject to this ordinance shall at all times be kept free of weeds, dry brush, dead vegetation, trash, junk, building materials, and the accumulation of other debris and shall otherwise comply with the Saginaw Housing Code. Additionally, the property shall be maintained free of graffiti, tagging, and similar markings. Yards shall be landscaped and maintained pursuant to this Ordinance.

Properties subject to this ordinance shall at all times be maintained in a secure manner so as not to be accessible by unauthorized persons. The City shall have the authority to require the owner or controller to implement additional maintenance and/or security measures as deemed necessary.

Another concern included the ability of the City to enforce the provisions on this ordinance. As a result, City management has explored the idea of utilizing personnel from the Saginaw Fire Department to assist in the implementation and enforcement of this ordinance. After meeting with the IAFF and Fire Department administration, consensus was reached that not only would this be possible but it would also have an unintended benefit to Fire Department Personnel as it would provide an opportunity for the Fire Department to become familiar with these structures and their characteristics should a fire emergency occur in one of them. With assistance from the City's Technical Services Department, an online registry is in development with the City Clerk which will assist with the efficient registration of the minimum 1,400 properties that have been identified.

An Ordinance has been prepared and appears under the regular order of business.

Council Action:

This council communication is for explanation purposes of the ordinance to be introduced and enacted according to the City Charter, Section 22, titled, "Ordinances."

Moved by Council Member _____, seconded by Council Member _____
to introduce an Ordinance entitled and reading as follows:

O-_____

AN ORDINANCE TO AMEND §151.095 "FINDINGS AND PURPOSE," §151.096 "DEFINITIONS," §151.097 "NON-OWNER OCCUPIED PROPERTY - PROHIBITED CONDUCT," §151.098 "NON-OWNER OCCUPIED PROPERTY – REGISTRY," §151.099 "UNOCCUPIED PROPERTY REGISTRY," §151.100 "VIOLATION/ABATEMENT," AND §151.101 "FEES," OF CHAPTER 151 "HOUSING REGULATIONS," TITLE XV "LAND USAGE," OF THE CITY OF SAGINAW CODE OF ORDINANCES O-1.

Laid over under the Charter Provision.

Moved by Council Member _____, seconded by Council Member _____ that an ordinance introduced on August 19, 2013, be taken up and enacted, entitled and reading as follows:

O-_____

AN ORDINANCE TO AMEND §151.095 "FINDINGS AND PURPOSE," §151.096 "DEFINITIONS," §151.097 "NON-OWNER OCCUPIED PROPERTY - PROHIBITED CONDUCT," §151.098 "NON-OWNER OCCUPIED PROPERTY - REGISTRY," §151.099 "UNOCCUPIED PROPERTY REGISTRY," §151.100 "VIOLATION/ABATEMENT," AND §151.101 "FEES," OF CHAPTER 151 "HOUSING REGULATIONS," TITLE XV "LAND USAGE," OF THE CITY OF SAGINAW CODE OF ORDINANCES O-1.

The City of Saginaw Ordains:

§ 151.095 FINDINGS AND PURPOSE.

Unsupervised properties have a negative impact on surrounding properties and neighborhoods. Owners of such properties should be held accountable for the condition of same, because properties which are not maintained constitute a hazard to the public health, safety, and welfare, create blight and nuisances, and lower property values and neighborhood integrity.

It is the purpose and intent of the City, through the adoption of this article, to establish a non-owner occupied property registry and unoccupied property registry as a mechanism to protect residential neighborhoods from becoming blighted through the lack of adequate maintenance and security of such properties.

§ 151.096 DEFINITIONS.

- (A) **City** shall mean the City of Saginaw.
- (B) **Controller** shall mean the person under contract with the owner for the management and/or maintenance of the property or who is otherwise authorized by the owner to exercise any physical control over the property, including but not limited to any property management or property preservation company responsible for the maintenance and security of the property.
- (C) **Local agent** shall mean a Michigan-based person or business entity appointed in writing by the owner to be the contact person on behalf of the owner and/or controller with the City.
- (D) **Non-owner occupied property** shall mean any dwelling, dormitory, dwelling unit, apartment house, or guest room in a lodging house, rooming house, bed and

breakfast establishment, hotel or motel within the City which is occupied by someone other than the owner.

- (E) **Nuisance** shall mean a nuisance as defined by §94.01 of the Saginaw Code of Ordinances.
- (F) **Owner** shall mean the person noted as the last owner of record (*i.e.* person holding legal title to the property) in the records of the City Assessor.
- (G) **Person** shall mean an individual, firm, corporation, trust, estate, partnership, incorporated or unincorporated association, limited partnership, limited liability company, or any other legal entity.
- (H) **Unoccupied property** shall mean any property or lot that is vacant, regardless of whether such property contains a vacant dwelling or other structure.

§ 151.097 NON-OWNER OCCUPIED PROPERTY – PROHIBITED CONDUCT.

- (A) No owner or controller of non-owner occupied property shall allow it to be occupied by someone other than the owner without first registering the property with the Office of the City Clerk.
- (B) No owner or controller of non-owner occupied property shall allow occupancy of the property without first being in compliance with this ordinance.
- (C) No owner or controller of non-owner occupied property shall allow occupancy of the property without first paying any property taxes due and owing on the property.
- (D) No owner or controller shall allow a non-owner occupied property to fall into a state of disrepair, to become in violation of applicable Michigan statutes or City of Saginaw codes, or to otherwise become a nuisance or create a nuisance condition.
- (E) Once registered, no owner or controller shall allow non-owner occupied property to remain occupied if it is in a state of disrepair, in violation of applicable Michigan statutes or City of Saginaw codes, or otherwise has become a nuisance condition or created a nuisance condition.
- (F) No owner or controller of non-owner occupied property shall transfer title, possession, or occupancy of the property without first being in compliance with this ordinance.

§ 151.098 NON-OWNER OCCUPIED PROPERTY – REGISTRY.

- (A) To register non-owner occupied property, the owner or controller shall:

- (1) Complete and file with the City Clerk, online or in-person, a registration application for each non-owner occupied property, which shall state or have attached, as applicable:
 - (a) The name, date of birth, driver's license number, mailing address, telephone number, email address, and webpage address of the owner and of any controller of the property. If the owner of the property resides out-of-state, the applicant shall designate a local agent by name, mailing address, telephone number, email address, and webpage address.
 - (b) A copy of the written agreement appointing a local agent for the owner or controller.
 - (2) Pay in full the registration fees, as well as any applicable late fees, owed to the City for each non-owner occupied property.
 - (3) Provide verification to the City Clerk that the property is not condemned nor under an order to vacate.
 - (4) Pay in full any property taxes due and owing on the property.
- (B) Upon the City Clerk's receipt of the completed registration application and applicable fees, the City Clerk shall verify whether the property is eligible for registration and, if so, shall register the property.
- (1) If the property is not eligible for registration, the City Clerk shall inform the owner or controller of the deficiencies preventing registration, including what additional information, documentation, and/or fees are required.
- (C) After a non-owner occupied property has been registered, the owner or controller shall:
- (1) Notify the City Clerk of any change in the information provided in the original registration application, including but not limited to a change in occupancy status or a change in contact information for the owner, controller, or local agent, within thirty (30) days of the date of the change.
 - (2) Cause the dwelling to be inspected by designated employees or other representatives of the owner or controller or by appropriate representatives of the City for compliance with this ordinance at least once annually. Proof of such inspections must be provided to the City Clerk upon renewal of registration to document that the property remains in compliance with this ordinance.

- (3) If the non-owner occupied property has become ineligible for this registry, the City Clerk shall remove the property from the registry and shall provide the owner or controller with written notification of this action, the reason therefore, and shall inform the owner or controller of the deficiencies preventing continued registration, including what additional information, documentation, and/or fees are required.

(D) Exceptions:

- (1) Owners or purchasers of structures which contain only one (1) dwelling unit, with or without an accessory garage, carport or shed, and which contain no other occupancy, may occupy that dwelling unit themselves without registering the unit or paying a fee. The owner's immediate family, defined as the owner's spouse or significant other, children, and up to two (2) grandparents, may also occupy that dwelling with the owner. All other requirements of this chapter shall apply in such instances.
- (2) Owners and controllers of property properly registered under this section who are actively advertising and holding the property out for rental and/or sale shall not be required to register the property as unoccupied property under §151.099 of this ordinance. Evidence of same, such as a copy of any advertisement or listing, shall be provided to the City Clerk.

§ 151.099 UNOCCUPIED PROPERTY REGISTRY.

- (A) The Office of the City Clerk shall maintain a registry of all unoccupied properties within the City of Saginaw.
- (B) An owner or controller of unoccupied property shall register the property with the City Clerk within sixty (60) days of transfer of title to the property to the name of the new owner. If the title was transferred prior to the effective date of this ordinance, the owner or controller of the property shall register the property with the City Clerk no later than sixty (60) days after the effective date of this ordinance.
- (C) To register unoccupied property, the owner or controller shall:
 - (1) Complete and file with the City Clerk, online or in-person, a registration application for each unoccupied property, which shall state or have attached, as applicable:
 - (a) The name, date of birth, driver's license number, mailing address, telephone number, email address, and webpage address of the owner and of any controller of the property. If the owner of the property resides out-of-state, the applicant shall designate a local agent by name, mailing address, telephone number, email address, and webpage address.

- (b) A copy of the written agreement appointing a local agent for the owner or controller.
 - (c) A statement describing the expected period of vacancy, a detailed plan for the regular maintenance of the property during the period of vacancy (for example, lawn maintenance and securing of any structures), and a timeline for the lawful re-occupancy of the property, the rehabilitation of the property, or the demolition of the dwelling and/or structure(s) on the property.
- (2) Pay in full the registration fees, as well as any applicable late fees, owed to the City for each unoccupied property.
 - (3) Pay in full any property taxes due and owing on the property.
- (D) Any change in the information provided in the registry, including but not limited to a change in ownership, change in vacancy status, or a change in contact information for the owner, controller, and/or local agent shall be provided to the City Clerk within thirty (30) days of the date of the change.
 - (E) Unoccupied property may not be occupied until all outstanding taxes, costs, assessments, and/or liens owed to the City of Saginaw have been paid in full and a certificate of occupancy has been issued by the City of Saginaw.
 - (F) Exceptions:
 - (1) Unoccupied properties owned by governmental subdivisions/agencies need not be registered in accordance with this Chapter.

§ 151.100 VIOLATION/ABATEMENT.

- (A) Violations of this Chapter shall be treated as strict liability offenses regardless of intent.
- (B) An owner or controller of non-owner occupied property or unoccupied property that is found to be in violation of any article of this Chapter shall be responsible for a municipal civil infraction as set forth in Chapter 37 of this Ordinance.
- (C) Properties subject to this ordinance shall at all times be kept free of weeds, dry brush, dead vegetation, trash, junk, building materials, and the accumulation of other debris and shall otherwise comply with the Saginaw Housing Code. Additionally, the property shall be maintained free of graffiti, tagging, and similar markings. Yards shall be landscaped and maintained pursuant to this Ordinance.

- (1) If the property has not been maintained, the City may maintain the property and assess costs to the owner or controller. Such assessments may become a lien against the property.
- (D) Properties subject to this ordinance shall at all times be maintained in a secure manner so as not to be accessible by unauthorized persons. The City shall have the authority to require the owner or controller to implement additional maintenance and/or security measures as deemed necessary.
 - (1) If a property has not been secured, the City may secure the property and assess costs to the owner or controller. Such assessments may become a lien against the property.
- (E) Failure to properly maintain or secure either non-owner occupied property or unoccupied property will be deemed a nuisance for which the City may issue a written notice to correct. The City may abate any such nuisance upon the failure of the owner or controller of the property to take abatement action within ten (10) days of the written notice to correct. When the City has abated such a nuisance, the cost of the abatement, including any applicable administrative charges, will be billed to the owner of the property. Such billing shall be a personal debt of the owner to the City, which may be collected as other personal debts, as enforcement costs or by restitution orders as allowed by law, or which may be assessed as a lien against the property, including interest thereon, until paid.
 - (1) The owner of the property where such a nuisance exists is also responsible for a Class D municipal civil infraction as set forth in §94.02 of this Ordinance.

§ 151.101 FEES.

- (A) Fees for each registry shall be established by City Council and posted in the Office of the City Clerk.
- (B) All registration/license cycles for non-owner occupied property shall start on March 15 of each year.
 - (1) For the period from the effective date of this section to March 15, 2014 all properties with a valid registration shall continue to be registered until March 15, 2014. Registrations shall all expire on March 15 of each year regardless of application date. If March 15 should fall on a holiday or weekend the fee shall be due on the next regular business day.
- (C) All registration/license cycles for unoccupied property shall start on December 30 of each year.

- (1) All unoccupied properties must be registered within sixty (60) days of the enactment of this ordinance. For the period from the effective date of this section to December 30, 2013, the annual registration fee shall be reduced by fifty (50%) percent.
 - (2) Registrations shall expire on December 30 of each year regardless of application date. If December 30 should fall on a holiday or weekend the fee shall be due on the next regular business day.
- (D) An additional late charge of one hundred (100%) percent of the base fee shall apply and be assessed in the event of any of the following:
- (1) Failure to register unoccupied property within sixty (60) days of the enactment of this ordinance.
 - (2) Failure to register a non-owner occupied or unoccupied property within fifteen (15) days of date of written notice from the City that the property is in violation of this ordinance.
 - (3) Failure to pay the registration renewal fee by the required date each year.
 - (4) Failure to register a non-owner occupied or unoccupied property within sixty (60) days of transfer of title in the property.
 - (5) Failure to provide the City Clerk the required notice of any change in the information provided in the registry, including but not limited to a change in vacancy status or a change in contact information for the owner and/or controller within thirty (30) days of the date of the change.
- (E) Failure to pay any applicable fees or late fees shall be deemed a personal debt of the owner to the City, which may be collected as other personal debts, as enforcement costs or by restitution orders as allowed by law, or assessed as a lien against the property, including interest thereon, until paid.

This ordinance shall become effective September 19, 2013.

Enacted: September 9, 2013.

Yeas:

Nays:

Absent:

Abstain:

Motion Carried.

ORDINANCE DECLARED ADOPTED

Gregory L. Branch
Mayor

Janet Santos, CMC/MMC
City Clerk

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the ordinance adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on September 9, 2013; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

Janet Santos, CMC/MMC
City Clerk

From: Darnell Earley, City Manager

Subject: Zoning Ordinance Amendments

Prepared by: Bill Ernat, Interim Director of Community and Economic Development

Manager's Recommendation:

I recommend that the Chapter 153, "Zoning Regulations," "Riverfront and Business District Overlay Zone," and "Riverfront Mixed Use District," of Title XV, "Land Usage," of the City of Saginaw Code of Ordinances, O-1, be repealed and a new "Riverfront Mixed Use District," be added to Title XV, "Land Usage," of the City of Saginaw Code of Ordinances, O-1. I have approved the modifications as to substance and the City Attorney has approved as to form.

Justification:

In 1999, the City Council approved zoning text and zoning map amendments with the creation of the Riverfront and Business District Overlay Zone. This area encompassed much of downtown Saginaw and was included the area known as the Downtown Development District. The Riverfront Overlay District was created to eliminate non-complimentary uses in the downtown as well as create a more uniform downtown district. This was done at the recommendation of the Riverfront Corridor Study.

In 2001, the City Council approved the zoning text amendment to create the Riverfront Mixed Use ("RMU") District for the area identified as the Riverfront and Business District Overlay Zone. The uses would be the same as the Riverfront Overlay District; however the zoning would only change upon the redevelopment of property within the Overlay Zone. In 2001, several lots were rezoned as a result of the redevelopment activities, which have been the only lots formally changed to the RMU zoning by the City Council. However, at some point in time between 2004 and 2008, the zoning map was modified and the RMU District was included to coincide with the Riverfront and Overlay District without the formal approval of the City Council. This process is to correct that error.

In the winter of 2012/2013, planning and zoning staff was advised of this discrepancy and began the amendment process. Staff had several options; to revert back to the old zoning or to change the zoning to match the current map. It was determined that staff would seek a zoning map amendment to correctly identify the RMU District to the intended size of the Riverfront Overlay District. This determination was based on the original recommendation of the Riverfront Commission and the Riverfront Corridor Study, which was to take an area that includes seven zoning districts and make it one zoning district. During staff's research to amend the zoning map, staff determined that a zoning text amendment is also appropriate.

After working with the City Attorney on the language of the text amendments, staff was able to bring the proposed amendments to the City Planning Commission in May, 2013. After a lengthy discussion on several issues, with the most controversial being the status of existing single-family non-detached housing, staff was asked to modify our recommendation and bring the text amendments back to a future meeting. After modifying the proposed amendment, staff went before the City Planning Commission in June and the City Planning Commission recommended approval of the proposed amendments.

The proposed zoning text amendments are attached. In summary, the changes are as follows:

- § 153.445 through §153.450 Riverfront Overlay District are deleted in their entirety. With the expansion of the Riverfront Mixed-Use District to encompass the entire Riverfront Overlay District, the Overlay District is no longer necessary.
- § 153.460 through §153.464 Riverfront Mixed Use District are deleted in their entirety and replaced with the proposed amendments.
- § 153.461 Principal Permitted Uses, the permitted uses for this district were previously identified individually, now they have been grouped together. This would allow business types that are not in existence today to be permitted, provided that they fit into a specific category that has been identified.

Also in §153.461 is the addition of existing single-family detached residences. It was determined that these existing residences in the RMU should be allowed the same standards that they are permitted in the R-1 Zoning District. This would allow for exterior improvements and additions or replacement due to a natural disaster. This clause does not allow for the construction of new single-family detached residence as a permitted use.

- § 153.447 Prohibited Uses has been eliminated. Prohibited uses are not identified in other zoning districts, the allowable uses are identified as either permitted or permitted after special approval. By eliminating the list of prohibited uses there should be no confusion on the status of the businesses not listed, as all other uses not identified are prohibited.
- §153.462 Permitted Uses after Special Approval, several items have been included in this section. Child day care centers are listed here rather than as a permitted use. This is consistent with our day care centers in residential neighborhoods. Automobile service stations were not identified as either permitted or prohibited previously.
- § 153.463 Required Conditions is an addition to the Zoning Ordinance. This section cites several conditions that will be required for new or expanding

businesses located within the RMU District. These are intended to be residential/consumer friendly. The first item addresses lighting and prohibits lighting from spilling onto the adjoining property. The second item addresses the type of business and prohibits manufacturing and/or warehousing for future uses. The last item addresses the need for protective screening when located to an adjoining residential property.

With the proposed zoning map and text amendments approved, the development in the downtown area can follow the Riverfront Corridor Plan as anticipated. These changes will also provide staff a more current zoning that also follows the Saginaw Master Plan 2011.

Council Action:

This Council Communication is for explanation purposes of the ordinance to be introduced and enacted according to the City Charter, Section 22, titled, "Ordinances."

Moved by Council Member _____, seconded by Council Member _____ to introduce an ordinance entitled and reading as follows:

AN ORDINANCE TO REPEAL §153.445 "STATEMENT OF PURPOSE," §153.446 "PRINCIPAL PERMITTED USES," §153.447 "PROHIBITED USES," §153.448 "PERMITTED USES AFTER SPECIAL APPROVAL," §153.449 "GENERAL REVIEW AND DESIGN GUIDELINES," AND §153.450 "BOUNDARIES OF THE RIVERFRONT OVERLAY ZONE," OF THE "RIVERFRONT AND BUSINESS DISTRICT OVERLAY ZONE," AND TO REPEAL §153.460 "PURPOSE," §153.461 "PRINCIPAL PERMITTED USES," §153.462 "PERMITTED USES AFTER SPECIAL APPROVAL," §153.463 "SITE PLAN REVIEW," §153.464 "AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS AND PERFORMANCE STANDARDS," OF THE "RIVERFRONT MIXED USE DISTRICT," AND TO ADD NEW §153.460 "PURPOSE," §153.461 "PRINCIPAL PERMITTED USES," §153.462 "PERMITTED USES AFTER SPECIAL APPROVAL," §153.463 "REQUIRED CONDITIONS," §153.464 "SITE PLAN REVIEWS," §153.465 "AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS AND PERFORMANCE STANDARDS," AND §153.466 "GENERAL REVIEW AND DESIGN GUIDELINES," OF THE "RIVERFRONT MIXED USE DISTRICT," OF CHAPTER 153, "ZONING REGULATIONS," OF TITLE XV "LAND USAGE," OF THE CITY OF SAGINAW CODE OF ORDINANCES , O-1.

Laid over under the Charter provision.

Moved by Council Member _____, seconded by Council Member _____ to adopt an ordinance introduced on August 19, 2013, entitled and reading as follows, be taken up and enacted:

O-_____

AN ORDINANCE TO REPEAL §153.445 “STATEMENT OF PURPOSE,” §153.446 “PRINCIPAL PERMITTED USES,” §153.447 “PROHIBITED USES,” §153.448 “PERMITTED USES AFTER SPECIAL APPROVAL,” § 153.449 “GENERAL REVIEW AND DESIGN GUIDELINES,” AND §153.450 “BOUNDARIES OF THE RIVERFRONT OVERLAY ZONE,” OF THE “RIVERFRONT AND BUSINESS DISTRICT OVERLAY ZONE,” AND TO REPEAL §153.460 “PURPOSE,” §153.461 “PRINCIPAL PERMITTED USES,” §153.462 “PERMITTED USES AFTER SPECIAL APPROVAL,” §153.463 “SITE PLAN REVIEW,” §153.464 “AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS AND PERFORMANCE STANDARDS,” OF THE “RIVERFRONT MIXED USE DISTRICT,” AND TO ADD NEW §153.460 “PURPOSE,” §153.461 “PRINCIPAL PERMITTED USES,” §153.462 “PERMITTED USES AFTER SPECIAL APPROVAL,” §153.463 “REQUIRED CONDITIONS,” §153.464 “SITE PLAN REVIEWS,” §153.465 “AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS AND PERFORMANCE STANDARDS,” AND §153.466 “GENERAL REVIEW AND DESIGN GUIDELINES,” OF THE “RIVERFRONT MIXED USE DISTRICT,” OF CHAPTER 153, “ZONING REGULATIONS,” OF TITLE XV “LAND USAGE,” OF THE CITY OF SAGINAW CODE OF ORDINANCES , O-1.

The City of Saginaw Ordains:

RIVERFRONT MIXED USE DISTRICT

§ 153.460 PURPOSE.

The Riverfront Mixed Use (RMU) District as identified on the City zoning map is a transitional area of the Riverfront and Washington Avenue Corridor which is intended for new commercial, office, residential, park, recreation and marina development. The RMU District is intended to guide and promote the development of Saginaw’s River Corridor and adjacent business districts in accordance with The Saginaw River Corridor Master Plan (2000) and the City of Saginaw Master Plan 2011. A prime characteristic of this district is a core of intense pedestrian activity with shopping and merchandising activities that serve the entire community or large sections thereof, and which is so located that the provisions of off-street parking facilities cannot reasonably be required. Industrial and single family detached residential uses will be phased out over time and will be treated as nonconforming uses and subject to regulations of §153.090 *et seq.*

§ 153.461 PRINCIPAL PERMITTED USES.

In the RMU District no uses shall be permitted unless otherwise provided in this subchapter, except the following:

(A) Food service, (excluding drive-in type businesses), the business of which shall be conducted entirely within an enclosed building, including but not limited to the following:

- (1) Restaurants;
- (2) Bakeries;
- (3) Ice cream, gelato and yogurt shops;
- (4) Taverns, pubs, and sports bars;
- (5) Groceries;
- (6) Meat, fish and poultry markets.

(B) Business, professional, financial institutions and governmental offices and medical clinics.

(C) Mixed-use buildings that include at least one floor devoted to an allowed non-residential use and at least one floor devoted to allowed residential uses.

(D) Retail services and retail stores, excluding adult bookstores, massage parlors and wholesale venues;

(E) Entertainment venues such as movie theaters, live and dinner theater, entertainment in food establishments, excluding adult motion picture theaters and cabarets;

(F) Housing:

- (1) Single-family attached townhouses;
- (2) Condominiums;
- (3) Loft-style apartments and apartment buildings.

(4) Single family dwellings, as described in § 153.021, in existence as of the date of this ordinance, shall be allowed to continue as a permitted use, including the ability to reconstruct, repair, restore, or use any building or structure if damaged by fire, collapse, explosion, acts of God or acts of a public enemy providing that such restoration shall take place within one year from the time of such damage, and provided further, that said use be

identical to the use directly preceding said damage. Accessory buildings and uses customarily incidental to the above principal permitted use, subject to requirements of § 153.060 will also be a permitted use. Area, height, bulk, and placement requirements and performance standards are as specified for an R-1 Zoning District in § 153.174.

(G) Lodging: Bed and breakfast facilities.

(H) Recreation including but not limited to the following:

(1) Marinas;

(2) Docking facilities;

(3) Parks and recreation areas, riverfront walkways, and bike paths;

(4) Nature preserves;

(5) Commercial recreation, theaters, bowling alleys, skating rinks, billiard and pool halls and dance halls.

(I) Uses similar to the above as determined appropriate by the City Planning Commission;

(J) Off-street parking and loading facilities in accordance with the requirements of § 153.115 *et seq*;

(K) Temporary buildings and trailers for use incidental to construction work.

§ 153.462 PERMITTED USES AFTER SPECIAL APPROVAL.

(A) All uses listed under permitted uses in which any part of the use is not conducted entirely within an enclosed building such as outdoor seating and drive-in facilities, and excluding marinas, docking facilities, parks, riverfront walkways, bike paths, and nature preserves;

(B) Stadiums;

(C) Assembly and concert halls;

(D) Farmers' markets;

(E) Hotels and motels;

(F) Commercial parking lots;

(G) Schools of instruction;

- (H) Funeral homes;
- (I) Hospitals, excluding veterinary hospitals and veterinary clinics;
- (J) Nursery schools, day nurseries and child day care centers, subject to site standards established in § 153.490 et seq.
- (K) Houses of worship;
- (L) Automobile service stations;
- (M) Food trucks and food carts.

§ 153.463 REQUIRED CONDITIONS.

The following conditions are required for all uses in the RMU District:

- (A) All business and service establishments shall be conducted wholly within a completely enclosed building, unless special approval is granted. Further, all lighting in connection with permitted business uses shall be so arranged as to reflect the light away from all adjoining residential buildings or residentially zoned property.
- (B) All business or service establishments shall be mainly for the purpose of dealing directly with consumers. All goods produced or processed on the premises shall be principally sold at retail on the premises where produced and/or processed.
- (C) Where a new or expanded land use occurs in a RMU district, after the effective date of this chapter, which abuts directly upon a residentially zoned district, protective screening shall be provided in accordance with § 153.072.

§ 153.464 SITE PLAN REVIEW.

For all uses in the RMU District, a site plan shall be submitted for review and approval in accordance with § 153.073.

§ 153.465 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS AND PERFORMANCE STANDARDS.

Area, height, bulk and placement requirements and performance standards, unless otherwise specified, are as provided in § 153.490 et seq. and § 153.074.

§ 153.466 GENERAL REVIEW AND DESIGN GUIDELINES

- (A) The Planning Commission shall place emphasis on the following in review of requests for special approval in the Riverfront Mixed Use District:
- (1) Create high quality commercial, residential and recreational development that improves linkages to the waterfront;
 - (2) Create a high level of pedestrian-oriented street level activity;
 - (3) Renovate all existing buildings, with emphasis placed on the preservation of historic structures;
 - (4) Develop appropriate infill buildings on vacant sites;
 - (5) Encourage development that is urban, not suburban in design;
 - (6) Effectively screen parking for key sight lines through landscaping, decorative fencing or placement of parking behind buildings.
- (B) The River Corridor Design Guidelines are hereby incorporated into the Riverfront Mixed Use District by reference. The City Planning Commission and City staff will use the guidelines in their review of projects to ensure the development is consistent with the intent of the goals and objectives of the Design Guidelines of the River Corridor.

This ordinance shall become effective September 19, 2013.

Enacted: September 9, 2013.

Yeas:

Nays:

Absent:

Abstain:

Motion Carried.

Gregory L. Branch
Mayor

Janet Santos, CMC/MMC
City Clerk

ORDINANCE DECLARED ADOPTED

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the ordinance adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on September 9, 2013; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

Janet Santos, CMC/MMC
City Clerk

From: Darnell Earley, City Manager

Subject: Approval of Riverfront Mixed Use District Zoning Map Amendments

Prepared by: Bill Ernat, Interim Director of Community and Economic Development

Manager's Recommendation:

I recommend that the Riverfront Mixed Use District map amendment be approved and the zoning map be amended to accommodate these changes. I have approved the modifications as to substance and the City Attorney has approved as to form.

Justification:

In 1999, the City Council approved zoning text and zoning map amendments with the creation of the Riverfront and Business District Overlay Zone. This area encompassed much of downtown Saginaw and was included the area known as the Downtown Development District. The Riverfront Overlay District was created to eliminate non-complimentary uses in the downtown as well as create a more uniform downtown district. This was done at the recommendation of the Riverfront Corridor Study.

In 2001 the City Council approved the zoning text amendment to create the Riverfront Mixed Use ("RMU") District for the area identified as the Riverfront and Business District Overlay Zone. The uses would be the same as the Riverfront Overlay District; however the zoning would only change upon the redevelopment of property within the Overlay Zone. In 2001, several lots were rezoned as a result of the redevelopment activities, which have been the only lots formally changed to the RMU zoning by the City Council. However, at some point in time between 2004 and 2008, the zoning map was modified and the RMU District was included to coincide with the Riverfront and Overlay District without the formal approval of the City Council. This process is to correct that error.

In the winter of 2012/2013, planning and zoning staff was advised of this discrepancy and began the amendment process. Staff had several options; to revert back to the old zoning or to change the zoning to match the current map. It was determined that staff would seek a zoning map amendment to correctly identify the RMU District to the intended size of the Riverfront Overlay District. This determination was based on the original recommendation of the Riverfront Commission and the Riverfront Corridor Study, which was to take an area that includes seven zoning districts and make it one zoning district. During staff's research to amend the zoning map, staff determined that a zoning text amendment is also appropriate.

After working with the City Attorney on the language of the text amendments, staff was able to bring the proposed amendments to the City Planning Commission in May, 2013. After a lengthy discussion on several issues, with the most controversial being the

status of existing single-family non-detached housing, staff was asked to modify our recommendation and bring the text amendments back to a future meeting. After modifying the proposed amendment, staff went before the City Planning Commission in June and the City Planning Commission recommended approval of the proposed amendments.

The proposed zoning map is attached. On the attached zoning map the proposed RMU District is identified by the blue boundary line. The areas identified by the red boundary lines are identified as part of the RMU District on the current zoning map, but staff is not recommending these to remain in the RMU District. Staff is proposing to have these properties revert back to their previous zoning classification. The areas are located north of I-675, east of the Saginaw River and a small area along Genesee Avenue from Burt St. to Lapeer St. These areas have not been included as part of the new RMU District due to their location and their existing uses. The areas in red will be reevaluated in the fall for potential rezoning, if applicable.

With the proposed zoning map and text amendments approved, the development in the downtown area can follow the Riverfront Corridor Plan as anticipated. These changes will also provide staff a more current zoning that also follows the Saginaw Master Plan 2011.

Council Action:

This Council Communication is for explanation purposes of the ordinance to be introduced and enacted according to the City Charter, Section 22, titled, "Ordinances."

Moved by Council Member _____, seconded by Council Member _____ to introduce an ordinance entitled and reading as follows:

AN ORDINANCE TO AMEND THE ZONING CLASSIFICATION OF CERTAIN PROPERTIES WITHIN AN AREA MORE OR LESS BOUNDED TO THE NORTH BY WEISS STREET EXTENDED EASTERLY; TO THE EAST BY PART OF WASHINGTON AVENUE, 2ND AVENUE, MILLARD STREET, OWEN STREET, HOWARD STREET AND JEFFERSON AVENUE; TO THE SOUTH BY PART OF RUST AVENUE AND STEPHENS STREET; TO THE WEST BY PART OF FAYETTE STREET, S. HARRISON STREET, REMINGTON AVENUE , N. BOND STREET, COOPER AVENUE, STONE STREET, CONGRESS AVENUE, SCHAEFER STREET, DAVENPORT AVENUE AND CARROLTON STREET, TO RIVERFRONT MIXED USE.

Laid over under the Charter provision.

Moved by Council Member _____, seconded by Council Member _____ to adopt an ordinance introduced on August 19, 2013, entitled and reading as follows to taken up and enacted:

O-_____

AN ORDINANCE TO AMEND THE ZONING CLASSIFICATION OF CERTAIN PROPERTIES WITHIN AN AREA MORE OR LESS BOUNDED TO THE NORTH BY WEISS STREET EXTENDED EASTERLY; TO THE EAST BY PART OF WASHINGTON AVENUE, 2ND AVENUE, MILLARD STREET, OWEN STREET, HOWARD STREET AND JEFFERSON AVENUE; TO THE SOUTH BY PART OF RUST AVENUE AND STEPHENS STREET; TO THE WEST BY PART OF FAYETTE STREET, S. HARRISON STREET, REMINGTON AVENUE , N. BOND STREET, COOPER AVENUE, STONE STREET, CONGRESS AVENUE, SCHAEFER STREET, DAVENPORT AVENUE AND CARROLTON STREET, TO RIVERFRONT MIXED USE.

The City of Saginaw Ordains:

Beginning at the northwesterly corner of Millard Street and Owen Street, thence northeasterly to the northwest corner of E. Genesee Avenue and Second Street extended, thence north on the west line of Second Street to the south right of way of I-675, thence west to the northwest corner of I-675 and Washington Avenue, thence north on the west line of Washington Avenue to the northwest corner of Washington Avenue and Potter Street extended, thence northwesterly along Potter Street extended to the west line of the Saginaw River, thence northerly following the westerly line of the Saginaw River to the north city limits. Thence westerly along the northerly City limits to the center line of the main track of the Grand Trunk Railroad, thence southerly along the center line of the main track of the Grand Trunk Railroad to the southerly line of Davenport Street, thence westerly along the southerly line of Davenport Street to the easterly line of Schaefer Street, thence southerly along the easterly line of Schaefer Street to the southerly line of Congress Avenue, thence westerly along the southerly line of Congress Street to the westerly line of Stone Street, thence southerly along the westerly line of Stone Street to the southerly line of Cooper Street, thence westerly along the southerly line of Cooper Street to the westerly line of North Bond Street, thence southerly and southwestery along the westerly line of North Bond Street to the southerly line of Remington Street, thence southeasterly along the southerly line of Remington Street to the westerly line of North Fayette Street, thence southwestery along the westerly line of North Fayette Street to the northwesterly line of Court Street, thence northwesterly along the northwesterly line of Court Street to the westerly line of South Harrison Street, thence southwestery along the westerly line of South Harrison Street to the southerly line of Cass Street, thence southeasterly along the southerly line of Cass Street to the westerly line of South Fayette Street, thence southwestery along the westerly line of South Fayette Street to the northerly line of Stephens Street, thence southeasterly along the northerly line of Stephens Street to the northerly line of Rust Avenue, thence easterly along the northerly line of Rust Avenue to a point 942.14 feet east of the northeast corner of Rust Avenue and Washington Avenue, thence N

24degrees 30seconds east 360.51 feet, thence east 439.89 feet, thence north 450 feet to the south line of Lot 9, Hoyt's Subdivision of James Riley reservation, thence east to the east line of Jefferson Avenue, thence northeast along the east line of Jefferson Avenue and Jefferson Avenue extended to the southerly line of Holden Street, thence easterly along the southerly line of Holden Street to the easterly line of Owen Street, thence northeasterly along the easterly line of Owen Street to the southerly line of Meredith Street, thence easterly along the southerly line of Meredith Street to the easterly line of Howard Street, thence northeasterly along the easterly line of Howard Street to the northerly line of Hoyt Street, thence northwesterly along the northerly line of Hoyt Street to the easterly line of Owen Street, thence northerly along the easterly line of Owen Street to the northerly line of Millard Street and the place of beginning. Excepting from the above description Lot 1, Joseph Campau Farm lying west of Michigan Avenue and south of Houghton Avenue, Lots 2, 3 & 4 Joseph Campau Farm lying west of Michigan Avenue, also known as Bliss Park.

This ordinance shall become effective September 19, 2013.

Enacted: September 9, 2013.

Yeas:

Nays:

Absent:

Abstain:

Motion Carried.

Gregory L. Branch
Mayor

Janet Santos, CMC/MMC
City Clerk

ORDINANCE DECLARED ADOPTED

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the ordinance adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on September 9, 2013; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

Janet Santos, CMC/MMC
City Clerk

Moved by Council Member _____, seconded by Council Member _____ to adopt an ordinance introduced August 5, 2013, entitled and reading as follows, be taken up and enacted:

AN ORDINANCE TO AMEND § 92.09, "PYROTECHNICS," OF CHAPTER 92, "FIRE PROTECTION AND PUBLIC SAFETY," OF TITLE IX, "GENERAL REGULATIONS," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

The City of Saginaw ordains:

Section 1. § 92.09, "Pyrotechnics," of Chapter 92, "Fire Protection and Public Safety," of Title IX, "General Regulations," of the City of Saginaw Code of Ordinances, O-1, is hereby amended to read as follows:

§ 92.09 PYROTECHNICS.

(A) *Definition.* The word **PYROTECHNICS**, whenever used in this code, means devices made for professional use that are similar to consumer fireworks in chemical composition and construction but not intended for consumer use, that meet the weight limits for consumer fireworks but are not labeled as such, and that are classified as UN0431 or UN0432 under 49 CFR 172.101. **CONSUMER FIREWORKS** mean fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States consumer product safety commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks do not include low-impact fireworks.

(B) *Prohibited.* No person, firm, co-partnership, or corporation shall use, explode or cause to explode, or manufacture, pyrotechnics or consumer fireworks within the City except as provided:

(1) That the items described in the following exclusive list are deemed exempt from this section:

(a) A starting pistol, a flare gun, or a flare designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation.

(b) Low impact fireworks, including ground and handheld sparkling devices, as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.

(c) Novelties as defined under APA standard 87-1, 3.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4, and 3.2.5 and including all of the following:

- (i) Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.
- (ii) Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in subparagraph (i) are used, that are constructed so that the hand cannot come in contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion.
- (iii) Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.
- (iv) Toy snakes not containing mercury, if packed in cardboard boxes with not more than 12 pieces per box for retail sale and if the manufacturer's name and the quantity contained in each box are printed on the box; and toy smoke devices.

(2) That the City Council may issue a written permit to a properly qualified person for giving a pyrotechnic or consumer firework display/show in a suitable open place. The permits shall be on forms provided by the Michigan Department of Licensing and Regulatory Affairs. Permits so issued shall impose such restrictions as may be necessary to properly safeguard life and property. Before any such permit is issued, the applicant therefor shall furnish a bond or insurance deemed adequate by the Council, which bond or insurance shall become available in the payment of any damages to public or private property and the payment for any personal injuries resulting from said pyrotechnic or consumer firework display. All applicants will have complied with the Michigan Fireworks Safety Act and other applicable laws.

(3) This section does not pertain to the use of consumer fireworks only on the day preceding, the day of, or the day after a national holiday. However, the use of consumer fireworks between the hours of 1:00 a.m. and 8:00 a.m. on the day preceding, the day of, or the day after a national holiday is strictly prohibited.

(C) Violators of this section will be issued a municipal civil infraction and subject to a fine of \$500.00.

This ordinance shall become effective August 29, 2013.

Enacted: August 19, 2013.

Yeas:

Nays:

Absent:

Abstain:

Motion Carried.

Gregory L. Branch
Mayor

Janet Santos, CMC/MMC
City Clerk

ORDINANCE DECLARED ADOPTED

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the ordinance adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on August 19, 2013; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

Janet Santos, CMC/MMC
City Clerk

**Support of the New Enrichment Revitalization Advocates
Design Charrette for Downtown Saginaw**

Moved by Council Member _____, seconded by Council Member _____ to adopt the following resolution:

WHEREAS: The New Enrichment Revitalization Advocates (E.R.A.) Community Group is interested in creating jobs in Downtown Saginaw; and

WHEREAS: the New E.R.A. Community Group will be hosting a design charrette in November, 2013, to develop a design plan and furthering economic development opportunities in Downtown Saginaw; and

WHEREAS: the New E.R.A. Community Group is seeking support from the Saginaw City Council for the design charrette; and

WHEREAS: the New E.R.A. Community Group is not seeking financial assistance from the City of Saginaw for the design charrette.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Saginaw supports the actions of the New E.R.A. Community Group in their efforts to seek the creation of additional jobs and economic development opportunities in Downtown Saginaw with the hosting of the design charrette.

Ayes:
Nays:
Absent:
Abstain:

RESOLUTION DECLARED ADOPTED

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on August, 19, 2013; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

Janet Santos, CMC/MMC
City Clerk