

Charter Township of Port Huron Board
Regular Meeting Held February 18, 2019 at 7:00 P.M.
3800 Lapeer Road, Port Huron, MI 48060

MINUTES

ROUTINE BUSINESS:

The pledge of allegiance stated.

Roll Call: Trustees Dudas, Livingston, Riehl, Reno, Treasurer Shonka, Supervisor Lewandowski, Clerk Davis

Special Guests: Residents, SCC Sheriff Dept., Chief Mainguy, Attorney Goldenbogen,

APPROVAL OF MINUTES:

Motion by Livingston, supported by Riehl, to approve the February 4, 2019 regular Board meeting minutes.

Vote: All in favor

Result: Motion Carried

PUBLIC COMMENTS:

Greg Evenson at 1121 Minnesota

UNFINISHED BUSINESS:

No Unfinished Business

NEW AGENDA ITEMS:

A. Attorney's Report

The prepared report was presented. Attorney Goldenbogen was available for questions.

B. Engineer's Report

No report presented.

C. Sheriff's Report

The prepared report was reviewed. No further discussion.

D. Fire Chief's Report

The prepared report was given to the Board for review. Chief Mainguy requested the Board consider adding an additional part-time position at the Fire Hall for adequate coverage, and increase pay rates of the part-time firefighters to stay competitive.

Motion by Riehl supported by Livingston to approve the pay increases as presented by Chief Mainguy for P.O.C. and part-time personnel. Duty Officer \$16.00 per hr., Engine Operator \$13.00 per hr. E.O. w/pump certification \$14.00 per hr., and Firefighter \$12.00 per hr.

Roll Call Vote: Ayes: Riehl, Livingston, Dudas, Reno, Shonka, Davis, Lewandowski

Nays: None

Absent: None **Result: Motion Carried**

Motion by Riehl supported by Reno to approve the addition of an extra part-time position to help staff the Fire Department adequately.

Roll Call Vote: Ayes: Riehl, Reno, Dudas, Livingston, Shonka, Davis, Lewandowski

Nays: None

Absent: None **Result: Motion Carried**

E. First Reading of Ordinance #243 Prohibition of Recreational Marihuana Establishments

Ordinance No. #243

Prohibition of Recreational Marihuana Establishments Ordinance – First Reading

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE BY PROHIBITING MARIHUANA ESTABLISHMENTS WITHIN THE BOUNDARIES OF PORT HURON TOWNSHIP PURSUANT TO INITIATED LAW 1 OF 2018, MCL §333.27951, *ET SEQ.*, AS MAY BE AMENDED; TO PROVIDE PENALTIES FOR VIOLATION OF THIS ORDINANCE; TO PROVIDE FOR SEVERABILITY; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND TO PROVIDE AN EFFECTIVE DATE.

THE CHARTER TOWNSHIP OF PORT HURON, ST. CLAIR COUNTY, MICHIGAN, ORDAINS:

SECTION 1: TITLE

This ordinance shall be known as and may be cited as the Port Huron Township Prohibition of Marihuana Establishments Ordinance.

SECTION 2: DEFINITIONS

Words used herein shall have the definitions as provided for in Initiated Law 1 of 2018, MCL §333.27951, *et seq.*, as may be amended.

SECTION 3: NO MARIHUANA ESTABLISHMENTS

Port Huron Township hereby prohibits all marihuana establishments within the boundaries of the Township pursuant to Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, as may be amended.

SECTION 4: VIOLATIONS AND PENALTIES.

A. Any person who disobeys neglects or refuses to comply with any provision of this

ordinance or who causes allows or consents to any of the same shall be deemed to be responsible for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.

- B. A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500, in the discretion of the Court. The foregoing sanctions shall be in addition to the rights of the Township to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction.
- C. Each day during which any violation continues shall be deemed a separate offense.
- D. In addition, the Township may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.
- E. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer of the Township or by such other person (s) as designated by the Township Board from time to time.

SECTION 5: SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

SECTION 6: REPEAL

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7: EFFECTIVE DATE

This ordinance shall take effect _____, 2019.

The above Ordinance was offered for adoption by Township Board Member Reno and was seconded by Township Board Member Livingston, the vote being as follows:

YEAS: Reno, Livingston, Dudas, Shonka, Davis, Lewandowski

NAYS: Riehl

ABSTAIN/ABSENT: None

ORDINANCE DECLARED ADOPTED:

By: Benita Davis, Clerk
Charter Township of Port Huron

CERTIFICATION

I hereby declare that the above is a true copy of an Ordinance adopted by the Charter Township of Port Huron Board at a board meeting held on 02/20/2019, at the Charter Township of Port Huron Hall, pursuant to the required statutory procedures.

DATED: _____

Respectfully submitted,

By: Benita Davis, Clerk
Charter Township of Port Huron

F. Approve Auditing Services from Stewart, Beauvais, & Whipple

Motion by Dudas supported by Livingston to approve auditing services from Stewart, Beauvais, & Whipple.

Roll Call Vote: *Ayes: Dudas, Livingston, Riehl, Reno, Shonka, Davis*
 Nays: None
 Absent: None **Result: Motion Carried**

G. Correction to 11/19/2018 Minutes

It was realized that data from the wrong year was inserted into the 11/19/2018 minutes in the section for the budget and general appropriations. The old section was struck out and the correct numbers were provided for the Board's review and approval.

Motion by Shonka supported by Reno to approve the correction to the 11/19/2018 Meeting Minutes as presented.

Roll Call Vote: *Ayes: Shonka, Reno, Riehl, Dudas, Livingston, Davis, Lewandowski*
 Nays: None
 Absent: None **Result: Motion Carried**

APPROVAL OF BILLS:

Motion to approve payment of prepaid bills by Shonka, supported by Livingston

Amount: \$7,569.96

Check #s: 45798-45807

Roll Call Vote: *Ayes: Shonka, Livingston, Reno, Dudas, Riehl, Davis, Lewandowski*
 Nays: None
 Absent: None **Result: Motion Carried**

Motion to approve payment of bills by Shonka, supported by Reno

Amount: \$178,425.96

Check #s: 45808-45871

Roll Call Vote: *Ayes: Shonka, Livingston, Riehl, Reno, Dudas, Davis, Lewandowski*
 Nays: None
 Absent: None **Result: Motion Carried**

Motion Shonka supported by Reno to approve P.O.C. overtime payroll for the month of January 2019 in the amount of \$150.00.

Roll Call Vote: *Ayes: Livingston, Dudas, Riehl, Reno, Shonka, Davis, Lewandowski*

Nays: None
Absent: None **Result: Motion Carried**

BOARD CORRESPONDENCE:

General discussion and updates, as well as event reminders.

ADJOURNMENT:

Motion by Riehl supported by Livingston to adjourn at 07:46 p.m.

Vote: All in favor

Result: Motion Carried

Robert G. Lewandowski, Jr., Supervisor

Benita E. Davis, Township Clerk