

Charter Township of Port Huron Board
Regular Meeting Held November 21, 2022 at 7:00 P.M.
3800 Lapeer Road, Port Huron, MI 48060

MINUTES

ROUTINE BUSINESS:

Pledge of Allegiance recited.

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

Absent: None.

Special Guests: Capt Pohl, Engineer Leuffgen, Fire Chief Randy Vesper, Fire personnel

APPROVAL OF MINUTES:

Motion by Livingston supported by Riehl to approve the November 7, 2022 Regular Board Meeting Minutes.

Vote: All in favor

Result: Motion Carried

PUBLIC COMMENTS:

None presented.

UNFINISHED BUSINESS:

None presented.

NEW AGENDA ITEMS

A. Attorney's Report: Prepared report was given. Nothing follows.

B. Engineer's Report: Updates were given on Range Rd watermain tie over Peck Rd was finalized less the restoration, Bakers Field wetland determination will be next, and DWRP GIS info was entered and updated.

C. Sheriff's Report: Prepared report was given. Nothing follows.

D. Fire Chief's Report:

1. Request approval to purchase set of 6 gear lockers for turnout gear:

Motion made by Riehl, supported by Davis, to approve purchase set of 6 gear lockers for turnout gear *in the amount of \$2,108.65.*

Vote: All in favor

Result: Motion Carried

2. Request approval of proposed revisions to Admin POL-18 PAYROLL AND SCHEDULING OF PART-TIME STAFF:

Motion by Reno supported by Shonka to approve proposed revisions to Admin POL-18 PAYROLL AND SCHEDULING OF PART-TIME STAFF.

Roll Call: Aye: Reno, Shonka, Riehl, Dudas, Livingston, Davis, Lewandowski

Nay: None

Absent: None

Result: Motion Carried

E. Approve Resolution #2022-11-21A Resolution to Spread Delinquent Special Assessments and Liens on 2022 Tax Roll:

RESOLUTION NO. 2022-11-21A

**RESOLUTION TO SPREAD DELINQUENT SPECIAL
ASSESSMENTS AND LIENS ON 2022 TAX ROLL
PORT HURON CHARTER TOWNSHIP**

Upon motion by Trustee Dudas, supported by Trustee Livingston, the Assessor is directed to re-assess, on the 2022 Township Tax Rolls, the delinquent accounts from the Special Assessment rolls #79 through #105, delinquent cross-connection and utility bills, lien agreements and service charges as reported by the Treasurer and hereby certified by the Board, and to include the interest and penalties due.

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

Motion carried.

Resolution declared adopted this 21st day of November, 2022

I hereby certify that the attached is a true and complete copy of a resolution adopted by the Board of Trustees of the Charter Township of Port Huron, County of St. Clair, State of Michigan, at a regular meeting held on the 21st day of November, 2022 that said meeting was conducted and that public notice of said meeting was given pursuant to and in full compliance with Act No. 167, Public Act of Michigan, 1976, and that minutes of said meeting were kept and will be or have been made available as required by said act.

Benita E. Davis, Township Clerk

Motion made by Dudas, supported by Livingston, to approve Resolution #2022-11-21A Resolution to spread Delinquent Special Assessments and Liens on 2022 Tax Rolls.

Roll Call: Aye: Dudas, Livingston, Reno, Riehl, Shonka, Davis, Lewandowski
 Nay: None
 Absent: None **Result: Motion Carried**

F. Approve Resolution #2022-11-21B Resolution to Establishing Special Assessment District at Large for Street Lighting:

RESOLUTION NO. 2022-11-21B

**RESOLUTION ESTABLISHING SPECIAL ASSESSMENT DISTRICT AT LARGE
FOR
STREET LIGHTING**

On motion by Livingston, supported by Dudas, the following resolution was presented for adoption:

WHEREAS; the annual cost of street lighting is approximately \$110,000 annually, and

WHEREAS; it is necessary to create a special assessment district for the purpose of raising sufficient funds to defray said cost pursuant to 1947 AP 359 in accordance with 1954 PA 188, MCLA 41.721 – 41.738; and

WHEREAS; said lighting will be of benefit to all Township residents and taxpayers residing and traveling within the Township, and

WHEREAS; a public hearing was held on November 7, 2022 at 7:00 p.m. to hear objections to the service, to the district, and to the proposed levy of 0.4660 mills;

NOW, THEREFORE, BE IT RESOLVED; that the Township at Large be designated a Special Assessment District for the purpose of spreading the cost for street lighting, and

BE IT FURTHER RESOLVED; that 0.4660 mills be levied on the assessed valuation per \$1,000.00, as equalized, against all real property contained on the tax rolls for the year 2022

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

Resolution declared adopted this 21st day of November, 2022.

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Benita E. Davis, Township Clerk

Motion made by Livingston, supported by Dudas to approve Resolution #2022-11-21B
 Resolution to Establishing Special Assessment District at Large for Street Lighting:

Roll Call: *Aye: Livingston, Dudas, Riehl, Reno, Shonka, Davis, Lewandowski*
 Nay: None
 Absent: None **Result: Motion Carried**

G. Approve Resolution #2022-11-21C Resolution Establishing Special Assessment District at Large for Police Protection:

RESOLUTION NO. 2022-11-21C

**RESOLUTION ESTABLISHING SPECIAL ASSESSMENT DISTRICT AT LARGE
 FOR
 POLICE PROTECTION**

On motion by Trustee Riehl, supported by Trustee Reno, the following resolution was presented for adoption:

WHEREAS; the annual cost of police protection is approximately \$895,000 annually, and

WHEREAS; it is necessary to create a special assessment district for the purpose of raising sufficient funds to defray said cost pursuant to 1951 PA 33, MCLA 41.801-41.813; and

WHEREAS; said police protection will be of benefit to all Township residents and taxpayers residing and traveling within the Township, and

WHEREAS; a public hearing was held on November 7, 2022 at 7:00 p.m. to hear objections to the service, to the district, and to the proposed levy of 3.4500 mills;

NOW, THEREFORE, BE IT RESOLVED; that the Township at Large be designated a Special Assessment District for the purpose of spreading the cost for police protection, and

BE IT FURTHER RESOLVED; that 3.4500 mills be levied on the assessed valuation per \$1,000.00, as equalized, against all real property contained on the tax rolls for the year 2022.

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

Resolution declared adopted this 21st day of November, 2022.

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 Benita E. Davis, Township Clerk

Roll Call: *Aye: Riehl, Reno, Dudas, Livingston, Shonka, Davis, Lewandowski*
 Nay: None
 Absent: None **Result: Motion Carried**

H. Approve Resolution #2022-11-21D Resolution Establishing Millage Rates:
RESOLUTION ESTABLISHING MILLAGE RATES
RESOLUTION #2022-11-21D

Moved by Livingston, supported by Dudas, to adopt the following resolution establishing the proposed millage rates to be levied by Port Huron Charter Township for the year 2022.

The Board of Trustees does hereby approve the proposed levy of:

2.0000 mills for General Operating Purposes
0.9961 mill for Local Road Improvements as approved by electorate
 August 4, 2020
0.8716 mill for Public Bus Transportation as approved by electorate
 August 4, 2020
0.4660 mill on all real property only, for a Street Light Special
 Assessment District At Large if approved by the Township Board
 of Trustees November 21, 2022
3.4500 mills on all real property only, for a Police Protection Special
 Assessment District At Large if approved by the Township Board
 of Trustees November 21, 2022

3.0000 mills for Fire Department Operations as approved by electorate
August 2, 2022

The Board of Trustees does have the complete authority to establish that 10.7837 mills be levied in 2022.

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

Resolution declared adopted this 21st day of November 2022.

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Benita E. Davis, Township Clerk

I. Approve Resolution #2022-11-21E General Appropriations Act:

**RESOLUTION # 2022-11-21E
GENERAL APPROPRIATIONS ACT**

A resolution to establish a General Appropriations Act for Port Huron Charter Township; to define the powers and duties of the Port Huron Charter Township Officers in relation to the administration of the budget.

The Board of Trustees of Port Huron Charter Township resolves:

This resolution shall be known as the Port Huron Charter Township General Appropriations Act.

The Supervisor shall be the Chief Administrative Officer and shall perform the duties of the Chief Administrative Officer enumerated in the act.

The Clerk shall be the Fiscal Officer and shall perform the duties of the Fiscal Officer as enumerated in the act.

“Pursuant to MCL 42.26, notice of public hearing on the proposed budget was published in a newspaper of general circulation on October 24, 2022, which must be at least seven days prior to the public hearing and again on October 31, 2022. The public hearing on the proposed 2023 budget was held on Monday, November 7, 2022 at 7:00 p.m.”

Estimated township general fund revenues for fiscal year 2023, including an allocated millage of 2.0 mills; voter-authorized millage of 2.0 mills and various miscellaneous revenues shall total \$2,373,800.00.

The Port Huron Township Board shall cause to be levied and collected the general property tax on all real and personal property within the Township upon the current tax roll an amount equal to 9.278 mills (as authorized under state law and approved by the electorate).

Estimated Township expenditures for fiscal year 2023 for the various township funds are as follows:

101	GENERAL	
101	TOWNSHIP BOARD	279,550.00
171	SUPERVISOR	111,575.00
191	ELECTIONS	8,575.00
209	ASSESSOR	112,410.00
215	CLERK	142,400.00
247	BOARD OF REVIEW	3,450.00
253	TREASURER	218,360.00
265	TOWNSHIP HALL	58,650.00
400	PLANNING COMMISSION	63,950.00
428	DEMOLITIONS	6,950.00
441	DEPT OF PUBLIC WORKS	137,625.00
428	DRAINAGE	212,500.00
448	STREET LIGHTS	120,000.00
751	RECREATION DEPT	41,100.00
755	BAKER'S FIELD	337,800.00
999	TRANSFER OUT ACCTS	510,200.00
203	DPS	1,370,900.00
204	ROAD	411,000.00
205	REFUSE	715,500.00
207	POLICE	895,270.00
208	PARK	369,450.00
209	CEMETERY	49,100.00
212	LIQUOR	5,000.00
251	MUSEUM	12,500.00
274	DDA	413,500.00
276	EDC	7,525.00
372	BUILDING	135,875.00
570	SEWER	2,270,700.00
591	WATER	3,683,250.00
702	BWAT	230,000.00

The Board of Trustees of Port Huron Charter Township adopts the 2023 fiscal year budget by fund. Township officials responsible for the expenditures authorized in the budget may expend township funds up to, but not to exceed, the total appropriation authorized for each fund, and may make transfers among the various line items contained in the fund appropriation. However, no transfers of appropriations for line items related to personnel or capital outlays may be made without prior approval by budget amendment.

The fiscal officer shall transmit to the board at the end of each of the first three quarters, and at the end of each month occurring during the fourth quarter, a report of financial operations, including but not limited to:

A summary statement showing the receipts and expenditures and encumbrances for the previous quarter (month) and for the current fiscal year to the end of the previous quarter (month).

No obligation shall be incurred against, and no payment shall be made from any appropriation account unless there is a sufficient unencumbered balance in the appropriation and sufficient funds are or will be available to meet the obligation.

Whenever it appears to the Chief Administrative Officer or the Township Board that the actual and probable revenues in any fund will be less than the estimated revenues upon which appropriations from such fund were based, and when it appears that expenditures shall exceed an appropriation, the Chief Administrative Officer shall present to the Township Board recommendations to prevent expenditures

from exceeding available revenues or appropriations for the current fiscal year. Such recommendations shall include proposals for reducing appropriations, increasing revenues, or both.

Motion made by Dudas, seconded by Livingston to adopt the General Appropriations Act Resolution #2022-11-21E and the 2023 Proposed Budget.

Roll Call Vote:

AYE: Dudas, Livingston, Reno, Riehl, Shonka, Davis, Lewandowski

NAY: None

ABSENT: None

The Supervisor declared the motion carried and the resolution duly adopted this 21st day of November, 2022.

I hereby certify that the attached is a true and complete copy of a resolution adopted by the Board of Trustees of the Charter Township of Port Huron, County of St. Clair, State of Michigan, at a regular meeting held on the 21st day of November, 2022, that the public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said act.

Benita E. Davis, Township Clerk

J. First Reading of Proposed Amendments to Section 40-669 of the Zoning Ordinance. Ordinance #251 Solar Energy Systems:

Port Huron Township
Proposed Amendments to Section 40-669 of the Zoning Ordinance
Ordinance #251 Solar Energy Systems

40-669 Solar Energy Systems

A. Purpose

The purpose of this Section is to provide a regulatory framework for the construction of solar energy systems subject to reasonable restrictions which will preserve public health, safety, and welfare, while also maintaining the character of the community.

This ordinance was introduced for consideration on November 21, 2022, at a regular meeting of the Charter Township of Port Huron Township Board of Trustees in a motion by Reno and seconded by Dudas, the vote as follows:

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

NAYS: None

ABSTAIN/ABSENT: None

K. First Reading of Ordinance #252 Medical Marihuana Caregiver's Ordinance:
PORT HURON CHARTER TOWNSHIP
MEDICAL MARIHUANA CAREGIVER'S ORDINANCE

ORDINANCE NO. 252

AN ORDINANCE TO REGULATE PATIENT CAREGIVER ACTIVITIES PURSUANT TO
 THE MICHIGAN MEDICAL MARIHUANA ACT

Section 2 – Intent and Purpose

On November 4, 2008, Michigan voters approved a ballot initiative that legalized medical marihuana and on December 4, 2008, Michigan's Medical Marihuana Act, MCL §333.26421, *et seq.* ("MMMA"), took effect allowing both patients and/or their caregivers to cultivate medical marihuana within an enclosed, locked facility for those individuals to be entitled to the MMMA protections. Growers of marihuana currently engage in the cultivation of medical marihuana throughout Port Huron Township without regard to the impact that activity has on surrounding properties and uses.

The Stille-Derossett-Hale Single State Construction Code Act 230 of 1972, MCL §125. 1501, *et seq.*, ("Michigan Construction Code") allows a local unit of government to legally adopt and enforce the Michigan Construction Code at the local level. The purpose of the Michigan Construction Code is to ensure public health, safety, and welfare by protecting life and property from all hazards related to the design, erection, repair, removal, demolition, or use and occupancy of buildings, structures, or premises. This is in relation to structural strength, adequate egress facilities, sanitary equipment, light and ventilation, and fire safety. Building permits are required when construction or alteration of a structure is in order when a patient caregiver has made alterations to a structure to support the cultivation of marihuana.

Since the passage of the MMMA, a caregiver's cultivation of marihuana, particularly within residential and commercial zoning districts within the Township, presents problems with insufficient or improper electrical supplies, problems with the ability to ensure adequate ventilation, leading to mold, offensive odors, other health hazards, and/or other hazards which are associated with the cultivation of marihuana in residential and commercial settings.

The Michigan Zoning Enabling Act, MCL §125.3101 *et seq.*, ("MZEA") provides the Township with statutory authority to regulate land use within the Township through its Zoning Ordinance. The Michigan Supreme Court in the case of DeRuiter v Byron Township, 505 Michigan 130, (2020), ruled that a township's Zoning Ordinance that geographically restricted such caregiver marihuana cultivation to a particular zoning district did not directly conflict with the MMMA and the Township had the authority under the MZEA to require zoning permits and permit fees for the use of buildings and structures within its jurisdiction.

Therefore, this Article as proposed is intended to permit those persons in need of marihuana for medicinal purposes as allowed under the state law, as defined herein, to be afforded a reasonable opportunity to be treated and for those persons who are permitted to furnish medical marihuana, to furnish it within the limitations of state law and the geographical restriction imposed by the Port Huron Township Zoning Ordinance in order to protect public health, safety, and welfare.

This Article is also intended to protect and preserve the public health, safety, and welfare of the community, the quality of life, and the stability of property values including but not limited to the value of residential, commercial, and industrial districts.

This Article is intended to prohibit a caregiver's cultivation of marihuana in residential and commercial districts in order to protect and preserve peace, order, property, and safety of persons as a result of issues associated with the growth of marihuana in residential and commercial districts including problems with insufficient or improper electrical supply, problems with ventilation leading to mold, offensive odors, or other health hazards and other hazards which are associated with the cultivation of marihuana in residential and commercial settings and which is otherwise often difficult to detect and regulate. The MZEA provides the Township with statutory authority to impose zoning limitations as set forth in this Article. The Township's zoning authority as it relates to Patient Care Giver Operations pursuant to the MMMA has also been upheld by the Michigan Supreme Court in the recent case of DeRuiter v Byron Township, 505 Michigan 130, (2020).

This ordinance was introduced for consideration on November 21, 2022, at a regular meeting of the Charter Township of Port Huron Township Board of Trustees in a motion by Reno and seconded by Livingston, the vote as follows:

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

NAYS: None

ABSTAIN/ABSENT: None

L. First Reading – Proposed Amendments to the Port Huron Township Zoning Ordinance:

Ordinance #253

Proposed Amendments to the Port Huron Township Zoning Ordinance

Home Occupations; Prohibited Uses & Permitted Uses and Structures

B. Purpose

To address electrical/mechanical equipment changes in one- or two-family residential homes.
To update the prohibited and permitted uses section.

This ordinance was introduced for consideration on November 21, 2022, at a regular meeting of the Charter Township of Port Huron Township Board of Trustees in a motion by Livingston and seconded by Shonka, the vote as follows:

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

NAYS: None

ABSTAIN/ABSENT: None

M. Authorization for Planning Commission to distribute the draft Master Plan to begin the 63-day public review process:

Motion by Dudas, supported by Livingston to authorize the Planning Commission to distribute the draft Master Plan to begin the 63-day public review process.

Vote: All in favor

Result: Motion Carried

APPROVAL OF BILLS:

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

Amount: \$268,298.25

Check #: 5179 - 51848

Roll Call: Aye: Shonka, Livingston, Dudas, Riehl, Reno, Davis, Lewandowski

Nay: None

Absent: None **Result: Motion Carried**

BOARD CORRESPONDENCE:

Discussed potential developers in the township

Discussed the signage to distinguish school signage

Waste Management speeding issue on Waldheim Dr discussed

Homeless issue was discussed

Moak property appraisal

SEMCOG update given

ADJOURNMENT:

Motion by Riehl supported by Livingston to adjourn at 8:05 p.m.

Vote: All in favor

Result: Motion Carried

Robert G. Lewandowski, Jr., Supervisor

Benita E. Davis, Clerk