

Council Agenda

January 21, 2014 - 6:30 p.m.

Council Chamber

PRAYER AND PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

PUBLIC HEARINGS:

PERSONAL APPEARANCES:

(A list will be provided following submittal deadline.)

REMARKS OF COUNCIL:

REPORTS FROM MANAGER:

Management Update:

1. Tom Begin, Consumers Energy, presentation on energy efficiency programs for commercial and residential customers and the Helping Neighbors Program.
2. Fiscal Year 2013 Annual Audit, David R. Youngstrom, CPA, Principal and Regional Audit Director, Yeo & Yeo Financial Services.

CONSENT AGENDA:

1. Approve the January 6, 2014 regular Council meeting minutes.
2. Approve a proposal with Saginaw Valley State University in the amount of \$8,247 for the facilitation of the Strategic Planning Session for City Council on January 25, 2014.
3. Approve the 2013-2014 Second Quarter Budget Adjustment.
4. Approve the filing of the 2014 Single Lot Special Assessment Tax Roll in the office of the City Clerk for public examination, and that City Council call a public hearing to be held on February 17, 2014.
5. Approve the insurance proposals with Chubb/Federal Insurance Company for Combined Building & Personal Property, Business Income and Extra Expense, Valuable Papers and Records, Computer Coverage, Flood, Earthquake and Animals in the Petting Zoo; with The Hanover Insurance Group for Crime Coverage; with Chubb/Federal Insurance Company for Equipment Floater (including the Floating Docks) & Bridges Coverage; with Cincinnati Insurance Company for Machinery and Equipment Breakdown Coverage, and Hudson

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Insurance Company for Storage Tank Liability Insurance effective February 1, 2014 to February 1, 2015, for a total cost of \$350,412 and authorize the City Manager or his designee to execute any and all necessary insurance documents under the plans.

6. Approve a public hearing for the upcoming 2014-2015 Community Development Block Grant Program, Emergency Solutions Grant program and HOME Investment Partnership for Monday, February 3, 2014 at 6:30 p.m. in the Council Chamber.
7. Approve the Certificate of Consistency on behalf of the Saginaw County Consortium of Homeless Assistance Providers as part of their grant application submittal to the U. S. Department of Housing and Urban Development and that the Mayor or his designee be authorized to sign the Certificate on behalf of the City.
8. Accept the U. S. Department of Homeland Security – FEMA – AFG Fire Prevention & Safety Grant in the amount of \$120,000 to cover the cost for approximately 10,000 smoke detectors for Fiscal Year 2014.
9. Approve a budget adjustment to recognize the AFG Grant and approve a purchase order to Home Depot in the amount of \$10,000 for the purchase of 844 dual sensor smoke detectors.
10. Approve a Personal Services Agreement with Susan Franklin for a period of January 22, 2014 through October 31, 2014 for an amount not to exceed \$15,500 for services provided to the Water and Wastewater Treatment Division.
11. Approve a payment to Michigan Truck Spring in the amount of \$2,984.76 for emergency repairs to a dump truck for the Public Services Department.
12. Approve a purchase order to IMAGINiT Technologies for \$4,000 for an Autodesk Civil 3D Jumpstart template and training for the Public Services Department.
13. Approve blanket purchase orders to the following lowest bidders for an annual supply of various fluids for the Public Service Department: Eastern Oil Company, \$27,892.10; Rowley's Wholesale, \$2,727.15 and Super-Flite Oil Co., \$380.00.
14. Approve a purchase order to North American Salt Co. for \$154,115 for back-up salt delivery for Fiscal Year 2014 for the Public Services Department.

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

1. Consideration of appointing Larry Campbell to the Saginaw Housing Commission Board with a term to expire September 8, 2016.

INTRODUCTION OF ORDINANCES:

1. An Ordinance to Repeal Chapter 110: "General Provisions," and Introduce a New Chapter 110: "General Provisions," of Title XI, "Business Regulations," of the City of Saginaw Code of Ordinances, O-1.

CONSIDERATION AND PASSING OF ORDINANCES:

RESOLUTIONS:

1. Establishing a Standing Study Committee and endorsing the review of the creation of Saginaw Central City Local Residential Historic District.
2. Approve the Saginaw County Emergency Services Mutual Aid Agreement.

UNFINISHED BUSINESS:

MOTIONS AND MISCELLANEOUS BUSINESS:

1. Receive and file the Fiscal Year 2013 Annual Audit Report.
2. Motion to go into closed session to discuss pending litigation per MCL 15.268 Section 8.

ADJOURN:

Tim Morales
Interim 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 AVENUE, 989.759.1480.

REGULAR MEETING OF THE COUNCIL OF THE CITY OF SAGINAW, MICHIGAN,
HELD MONDAY, JANUARY 6, 2014, AT 6:30 P.M. IN THE COUNCIL CHAMBER OF
CITY HALL.

PRAYER AND PLEDGE OF ALLEGIANCE

Mayor Browning offered a prayer and led the pledge of allegiance.

ROLL CALL

Mayor Browning called the meeting to order. Council Members present: Norman Braddock, Annie Boensch, Larry Coulouris, Brenda Moore, Michael Balls, Floyd Kloc and Mayor Dennis Browning - 7. Council Members absent - Daniel Fitzpatrick and Mayor Pro Tem Amos O'Neal - 2.

ANNOUNCEMENTS

City Clerk Janet Santos made the following announcements:

- Monday and Tuesday waste collection has been canceled due to the severe weather conditions. Monday and Tuesday services will resume next week.
- The City Waste Convenience Station will be open this Saturday and this is the final day that bagged leaves will be accepted.
- Real Christmas trees free of decorations can be placed at the curb for pick up on regular collection day until January 24th.
- A revised agenda reflects the removal of resolution #2 with a new resolution added that supports the proposed Delta College Center located in the City.
- MiPlace is offering Placemaking workshops for City Council Members on January 16th and February 13th at City Hall.

PUBLIC HEARINGS

City Clerk Janet Santos announced the public hearing on the Industrial Facilities Tax Exemption Certificate for Fullerton Tool Company Inc., at 121 Perry Street. Mayor Browning called for comments. Tom Miller of Saginaw Future spoke in favor of the exemption request. Mr. Miller provided information on the use of Industrial Facilities Tax Exemptions and the benefits they bring to the City and local businesses. Bruce Miller, CFO of Fullerton Tool Company, Inc., spoke in favor of the request and provided the history of the company. Mayor Browning called for comments two more times.

Moved by Council Member Coulouris, seconded by Council Member Kloc to close the public hearing. 7 ayes, 0 nays, 2 absent. Motion approved.

PERSONAL APPEARANCES

There were no personal appearances.

REMARKS OF COUNCIL

Remarks were heard from the following Council Members: Boensch, Braddock, Kloc, Balls, Moore and Mayor Browning.

REPORTS FROM CITY MANAGER

Management Update

Interim City Manager Tim Morales provided an update of meetings attended and on future meetings that he and staff will be attending.

Moved by Council Member Braddock, seconded by Council Member Moore to suspend the Rules of Order of the Council for the January 25, 2014 Strategic Planning Session to allow for public comment at the end of the session. 7 ayes, 0 nays, 2 absent. Motion approved.

City Manager Morales introduced Cherrie Benchley of United Way. Ms. Benchley gave a presentation on United Way's Financial Planning Education Program and general updates.

Consent Agenda

1. Approve the December 16, 2013 regular Council meeting minutes.
2. Approve a purchase order to Environmental Systems Research Institute for \$2,000 for annual software renewal of maintenance and support for the GIS Division.
3. Approve a purchase order to KAR Laboratories, Inc., for \$12,000 for disinfection analysis for the Water Treatment Plant for Fiscal Year 2014.
4. Approve the FEMA DR-4121-MI Grant Agreement Package with Federal Emergency Management Agency.
5. Approve an annual purchase order for Fiscal Year 2014 to Old Dominion Brush Co. in the amount of \$18,170 for an annual supply of sweeper brooms for the Right of Way Division.
6. Approve a purchase order to Tri County International Trucks at the State bid price of \$152,377 for the purchase of a 2015 International 7400 SFA equipped with plows and a salter for the Streets Section Right of Way Division.

Council Action:

Moved by Council Member Kloc, seconded by Council Member Moore to approve consent agenda items 1 through 6 as presented. 7 ayes, 0 nays, 2 absent. Motion approved.

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

Council Member Coulouris reported that the Planning Commission approved a site plan for 1403 State Street during their December 17, 2013 regular meeting. The site plan will require rezoning of the property from M-1 to B-1. The matter was previously approved by the Zoning Board of Appeals during their November 16, 2013 regular meeting.

Moved by Mayor Browning, seconded by Council Member Coulouris to reappoint Wasyl F. Czerewko to the City Planning Commission with a term to expire December 31, 2016. 7 ayes, 0 nays, 2 absent. Motion approved.

Moved by Mayor Browning, seconded by Council Member Boensch to reappoint David Small to the Electrical Appeals Board with a term to expire December 31, 2016. 7 ayes, 0 nays, 2 absent. Motion approved.

Moved by Mayor Browning, seconded by Council Member Moore to reappoint Karen Courneya to the Saginaw Transit Authority Regional Services with a term to expire December 31, 2016. 7 ayes, 0 nays, 2 absent. Motion approved.

CONSIDERATION AND PASSING OF ORDINANCES

Moved by Council Member Braddock, seconded by Council Member Coulouris to adopt an Ordinance to rezone certain property described at Lot 1, Popp & Wolfs Subdivision of a portion of the West ½ of the NW ¼ of Section 32, T12N R5E, commonly known as 2811 E. Genesee and Record the Change in Table III, "Zoning Map Changes" of the Table of Special Ordinances, of the Saginaw Code of Ordinances O-1. 7 ayes, 0 nays, 2 absent. Motion approved.

RESOLUTIONS

Moved by Council Member Coulouris, seconded by Council Member Moore to adopt a resolution approving an Industrial Facilities Tax Exemption for Fullerton Tool Company, Inc., at 121 Perry Street. 7 ayes, 0 nays, 2 absent. Motion approved.

At the request of Mayor Browning, City Clerk Janet Santos read the resolution supporting the proposed Delta College Center located in the City.

Moved by Council Member Braddock, seconded by Council Member Moore to amend the resolution with the addition of "the Saginaw Sting" in the fifth "WHEREAS" statement. 7 ayes, 0 nays, 2 absent. Motion approved.

Moved by Council Member Balls, seconded by Council Member Kloc to adopt the amended resolution supporting the proposed Delta College Center located in the City. 7 ayes, 0 nays, 2 absent. Motion approved.

ADJOURNMENT

Moved by Council Member Balls, seconded by Council Member Moore to adjourn the meeting at 7:43 p.m. 7 ayes, 0 nays, 2 absent. Motion approved.

Janet Santos, CMC/MMC
City Clerk

From: Tim Morales, Interim City Manager
Subject: January 2014 Strategic Planning Session and Facilitator
Prepared by: Debbie Buck – City Manager's Office

Manager's Recommendation:

I recommend acceptance of a proposal with Saginaw Valley State University in the amount of \$8,247 for the facilitation of the Strategic Planning Session for City Council on January 25, 2014. This proposal has been approved by the City Manager as to substance and the City Attorney as to form.

Justification:

As the City's elected policy making board, part of the role of the Mayor and City Council is to engage in vision, mission, and goal setting exercises relative to strategic planning.

Each year the City of Saginaw holds two strategic planning sessions. These sessions are special meetings of the City Council and are open to the public. This Strategic Planning session is scheduled with the Mayor, City Council, and Management Team on Saturday, January 25, 2014 at the Castle Museum from 8:30 a.m. to 3:30 p.m. The James A. Barcia Center for Public Policy & Service at Saginaw Valley State University will be directing this project under the supervision of John Kaczynski.

The Strategic Planning Session will require approximately 90 hours of faculty time and 80 hours of student assistant time from Monday, January 6, 2014 through Monday, February 17, 2014. During this time frame, a self-study survey shall be developed and sent out to City Council, Management Team and community stakeholders. Also during this time frame, a Strategic Planning Session shall be mediated. The deliverable from the Strategic Planning Session will be a report that includes all data from the self-study, all input from the Strategic Planning Session, a SWOT analysis, a team vision, and a plan of action that include benchmarks.

Funds are available in the City Manager's Professional Services Account No. 101 1710 801 000 (\$2,000), the City Council's Professional Services Account No. 101 0101 801 000 (\$5,000), Sewer Administration Account No. 590 4810 801 000 (\$623.50) and Water Administration Account No. 591 4710 801 000 (\$623.50).

Council Action:

Moved by Council Member _____, seconded by Council Member _____ that the recommendation of the City Manager be approved

From: Timothy Morales, Interim City Manager
Subject: 2013/2014 Second Quarter Budget Adjustment
Prepared by: Yolanda M. Jones, Office of Management and Budget

Manager's Recommendation:

It is recommended that the 2013/2014 Approved Budget for the listed funds be amended. This adjustment is required to recognize the carry forward of the 2013 annual purchase orders into the 2014 Approved Budget as well as to recognize any errors, omissions, or changes that have occurred during the second quarter.

Justification:

The 2013/2014 Annual Budget will be adjusted in accordance with Public Act 2 of 1968 Uniform Budgeting and Accounting Act, the City Charter, and the approved 2014 Budget Resolution, which states that the City Manager must provide quarterly budget adjustments to City Council as a result of budget-to-actual analysis. As a result of the City Manager's second quarter analysis, the below-mentioned budget adjustments take into consideration any errors, omissions, or changes in the funding levels and expenditures approved by City Council as prescribed by the City Charter.

It is recommended that the General Fund's Community Public Safety – Police, Police Patrol's Overtime Account No. 101-3551-704.000 should be decreased from \$152,000 to \$129,000, which equates to a \$23,000 reduction. This reduction should be allocated to Other General Fund - Operating Transfer to the Public Safety Millage Fund Account No. 101-9660-999.005 to cover the anticipated cost of overtime in the Public Safety Millage Fund's Police Patrol Division.

In addition, the General Fund's Community Public Safety – Police, Police Patrol's Part-Time Salary Account No. 101-3511-708.000 should be decreased by \$15,120 and FICA Account No. 101-3511-715.017 should be decreased by \$1,156. Total reduction equates to \$16,276. These funds should be allocated to the Other General Fund – Operating Transfers to Public Safety Grant Fund Account No. 101-9660-999.004. This reduction will cover the anticipated cost of overtime in the Community Policing Fund. This savings in part-time salaries is due to the vacancy of four School Crossing Guard positions that will not be filled in FY 2014.

The Major Streets Fund (202) should be increased from \$4,528,276 to \$4,704,425. This is a \$174,149 increase. This amendment reflects the encumbrance of prior year's purchase orders for Michigan Avenue staking and construction, the Remington, Weiss, Genesee and Hamilton Streets designs, and the Center Street Bridge emergency repairs. Expenditures will be offset by available unassigned and unrestricted fund balance.

The Public Safety Millage Fund (205) should be increased from \$3,189,761 to \$3,212,761. This is a \$23,000 increase. This amendment reflects the increase of the overtime budget for the Police Patrol Division. Expenditures will be offset by an increase to the Public Safety Millage Fund Revenue's Operating Transfer - General Fund Account No. 205-0000-699.101 by the same amount.

The Community Policing Fund (260) should be increased from \$388,885 to \$405,161, which equates to a \$16,276 increase. This amendment reflects the increase of the overtime budget for the Community Policing Division. Expenditures will be offset by an increase to the Community Policing Fund Revenue's Operating Transfer - General Fund Account No. 260-0000-699.000 by the same amount.

The TARP Blight Elimination Grant (274) should be decreased by \$10,958,694. Although the City was awarded the TARP Blight Elimination grant, it was later disclosed that reimbursement would only be made to the property owner. Since the Saginaw County Land Bank agreed to take ownership of the properties, they will receive the reimbursement directly from the State of Michigan. The County Land Bank will then reimburse the City for its portion of grant expenses. The remaining \$237,500 will be used for administrative costs.

The Sewer Operations and Maintenance Fund's (590) should be increased by a net \$476,274 from \$26,536,228 to \$27,012,502. This amendment reflects the encumbrance of funds from the prior year for the continual construction on Michigan Avenue, Ezra, and Fordney as well as for Sewer Cleaning and Televising. An available appropriation of retained earnings will offset the increase in the fund.

The Water Operations and Maintenance Fund's (591) should be increased from \$32,434,844 to \$32,711,107. This is an increase of \$276,263. This amendment reflects the encumbrance of funds from the prior year Michigan Avenue staking and construction, and Remington, Weiss, Genesee and Hamilton Streets designs. An available appropriation of retained earnings will offset the fund's increase.

Council Action:

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

From: Timothy Morales, Interim City Manager
Subject: 2014 Single Lot Special Assessment Tax Roll
Prepared by: Janet Santos, City Clerk

Manager's Recommendation:

It is recommended that the 2014 Single Lot Special Assessment Tax Roll transmitted herewith be filed in the office of the City Clerk for public examination; that the Council meet and review said roll at a regular meeting to be held Monday, February 17, 2014; and that the Clerk is hereby directed to post a public notice of said hearing.

Justification:

The City Engineer filed the 2014 Single Lot Special Assessment Tax Roll with the City Clerk on January 6, 2014, for the following assessments:

1. Sewer Connections & Replacements (SEW14)
2. Water Connections & Replacements (WAT14)
3. Nuisances: Trash Removal/Yard Cleanup (TR014) and Weed/Grass Cutting (WC1401, WC1402, WC1403)
4. False Alarms Fire (FF14)
5. False Alarms Police (PF14)
6. Demolitions (DMC141, DMG141)

The expenses on single lot assessments are not the type that require prorating of costs among several lots and parcels of land in the special assessment district, but are assessed to owners of the individual lots on which a service was performed. The owners of record have been billed in accordance with provisions of Title III, Administration, Chapter 33, "Taxation and Assessment," Section 33.26, "Assessing Single Lots," of the Saginaw Code of Ordinances, O-1.

Council Action:

Moved by Council Member _____, seconded by Council Member _____ that the recommendation of the City Manager be approved.

From: Timothy Morales, Interim City Manager

Subject: Insurance proposals for the City's Building & Personal Property Coverage, Business Income, Valuable Papers and Records, Computers, Flood, Earthquake, Animals in the Petting Zoo, Crime, Equipment, Bridges, Machinery & Equipment Breakdown and Storage Tanks.

Prepared by: Janet Santos, City Clerk

Manager's Recommendation:

I recommend approval of the insurance proposals with Chubb/Federal Insurance Company for Combined Building & Personal Property, Business Income and Extra Expense, Valuable Papers and Records, Computer Coverage, Flood, Earthquake and Animals in the Petting Zoo; with The Hanover Insurance Group for Crime Coverage; with Chubb/Federal Insurance Company for Equipment Floater (including the Floating Docks) & Bridges Coverage; with Cincinnati Insurance Company for Machinery and Equipment Breakdown Coverage, and Hudson Insurance Company for Storage Tank Liability Insurance effective February 1, 2014 to February 1, 2015, for a total cost of \$350,412 and that I, or my designee, be authorized to execute any and all necessary insurance documents under the plans.

I further recommend that I, or my designee, be allowed to make adjustments to said policies, as necessary throughout the policy term, in removing and/or adding coverage on equipment, machinery and buildings, as the City acquires and/or disposes of same.

Coverage documents, policy changes and contracts to implement the new insurance are subject to the City Manager's approval as to substance and the City Attorney's approval as to form.

Justification:

Recently, Saginaw Bay Underwriters received proposals for insurance coverage on City Building & Personal Property, Business Income and Extra Expense, Valuable Papers and Records, Computer Coverage, Flood, Earthquake and Animals in the Petting Zoo, Crime Coverage, Equipment Floater & Bridges Coverage, Machinery & Equipment Breakdown Coverage and Storage Tank Liability Insurance to be effective February 1, 2014 to February 1, 2015. Upon receipt and review of the proposals received by Saginaw Bay Underwriters, the following insurance policies are being recommended:

BLANKET COVERAGE

Chubb/Federal Insurance Company policy includes Blanket Coverage for Buildings and Personal Property, Business Income and Extra Expense, Valuable Papers and

Records, Computer Coverage, Flood, Earthquake, and Animals in the Petting Zoo. Last year's premium was \$202,579 and this year's premium is \$211,530, which includes a Terrorism Coverage charge of \$8,945. This is an increase of \$8,951, over last year's premium, which is a result of increasing the value of the City buildings by 3% to stay current with inflation and a 1.6% rate increase by Chubb. (This policy carries a \$100,000 deductible with the exception of the Animals in the Petting Zoo, which has a \$500 deductible, Computer Coverage, which has a \$10,000 deductible.)

CRIME COVERAGE

The Hanover Insurance Group policy includes coverage for Public Employee Dishonesty, Forgery and Alteration, Theft, Disappearance and Destruction, inside and outside the premises, Computer Fraud & Funds Transfer Fraud. This year's premium is \$7,863, which is the same as last year. This policy carries a \$10,000 deductible, with the exception of Forgery and Alteration which carries a \$1,000 deductible.

EQUIPMENT FLOATER POLICY

Chubb/Federal Insurance Company policy includes Contractors Equipment, Miscellaneous Unscheduled Equipment, Employee Tools, Rental Cost Reimbursement, Equipment Leased/Rented from others, Floating Docks, Debris Removal, Fire Department Service Charges, Inventory or Appraisals, Pollutant Clean-up, Fire Protection and Equipment Refill. This year's premium is \$23,841, which is an increase of \$2,412 from last year's premium. This increase is due in part to the City having \$447,550 more in equipment than last year. The deductible for this policy ranges from \$1,000-\$5,000, with the exception of the Floating Docks which carries a \$25,000 deductible and Debris Removal which has a \$100,000 deductible.

BRIDGES POLICY

Chubb/Federal Insurance Company policy includes coverage on the Douglas Schenck, Frank Andersen, G. Stewart Francke (formerly Holland Avenue), Genesee Avenue, Johnson Street, Norman Street, Ojibway Island (South End) and Ojibway Island Pedestrian (North & South End) Bridges. The premium for this policy is \$84,309, which is an increase of \$317 from last year. The deductible on this policy is \$50,000.

MACHINERY & EQUIPMENT BREAKDOWN

Cincinnati Insurance Company policy includes coverage on Electric Generators, Miscellaneous Electrical Apparatus, Recip. Eng. Internal Combustion, Transformers, Water Damage, Expediting Expenses, Water Damage, Ammonia Contamination and Hazardous Substance. The premium for this policy is \$10,260 which is an increase of \$644 over last year. The deductible on this policy is \$10,000.

STORAGE TANK LIABILITY INSURANCE

Hudson Insurance Company policy includes coverage on 13 tanks (8-above ground and 5-underground) that are insured at 4 locations. This year's premium is \$12,609, which is an increase of \$853. This increase is due to the tanks being one year older.

These vendors 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 Self Insurance Fund "Insurance," Account No. 677-1762-806.000, with \$147,173 to be expended from the FY2013-2014 budget and \$203,239 from the FY2014-2015 budget.

Council Action:

Moved by Council Member _____, seconded by Council Member _____ that the recommendation of the City Manager be approved.

From: Timothy Morales, Interim City Manager
Subject: Community Development Block Grant (CDBG) Public Hearing
Prepared by: Bill Ernat, Director of Community Services

Manager's Recommendation:

I recommend that a public hearing for the upcoming 2014-2015 Community Development Block Grant (CDBG) Program, Emergency Solutions Grant (ESG) program, and HOME Investment Partnership (HOME) program be set for Monday, February 3, 2014 at 6:30 p.m. in the Council Chamber.

Justification:

The public hearing is being held to meet the citizen participation requirements for the Community Development Block Grant (CDBG) program, Emergency Shelter Grant (ESG) program and HOME Investment Partnership (HOME) program. The hearing is part of the submission approval process for the upcoming 2014-2015 CDBG, ESG, and HOME programs.

Citizens are encouraged to attend the public hearing and anyone wishing to comment on the upcoming fiscal year recommendations for the CDBG, ESG and HOME programs may do so on February 3, 2014 at 6:30 p.m.

A public hearing notice for February 3rd has already been published in the Saginaw News, the Banner, Word Up, Mi Gente, and the Review, and has been posted in the City Clerk's Office.

Council Action:

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

From: Timothy Morales, Interim City Manager

Subject: Saginaw County Consortium of Homeless Assistance Providers

Prepared by: Bill Ernat, Director of Community Services

Manager's Recommendation:

It is recommended that the City Council approve the Certificate of Consistency on behalf of the Saginaw County Consortium of Homeless Assistance Providers as part of their grant application submittal to the U.S. Department of Housing and Urban Development. It is further recommended that the Mayor or his designee be authorized to sign the Certificate on behalf of the City. The Certificate has been approved by the City Manager as to substance and the City Attorney as to form.

Justification:

The Saginaw County Consortium of Homeless Assistance Providers (SC-CHAP) annually submits an application to the U.S. Department of Housing and Urban Development (HUD) for homeless assistance funds. Included with this application is a Certificate of Consistency signed by the Mayor verifying that the proposed projects are consistent with the City of Saginaw's Consolidated Plan. This is critical, as it affirms the collaboration between the City of Saginaw and SC-CHAP in our efforts to end homelessness in the City, and supports our efforts to not duplicate projects with the City's CDBG or ESG funds.

In 2011, the City of Saginaw adopted its current five-year Consolidated Plan, which was submitted to HUD who approved it. A key component of that plan was to work towards ending homelessness in the City. This grant application being submitted by SC-CHAP addresses the issue of homelessness and is consistent with the Consolidated Plan goals and actions to assist the homeless in regaining a stable, healthy living environment. The application from the SC-CHAP is for \$1,813,121, which if approved, would fund 22 programs within the City/County.

The signing of the Certificate of Consistency does not have any fiscal impact to the City of Saginaw, nor does the application have any impact on the City's Emergency Solutions Grant (ESG) funds, as these funds are not awarded from the Entitlement Funds, the source of the City's grant funds.

Council Action:

Moved by Council Member _____, seconded by Council Member _____ that the recommendation of the City Manager be approved.

From: Timothy Morales, Interim City Manager

Subject: U.S. Department of Homeland Security FEMA Assistance to Firefighters Grant, Fire Prevention & Safety (AFG) Grant Program

Prepared by: Christopher Van Loo, Community Public Safety - Fire

Manager's Recommendation:

It is recommended that the City of Saginaw accept the U.S. Department of Homeland Security FEMA – AFG Fire Prevention & Safety Grant in the amount of \$120,000 to cover the cost for approximately 10,000 smoke detectors for Fiscal Year 2014. The grant requires a 20% or \$24,000 match; therefore, a total of \$96,000 will be received.

Justification:

In December 2012, the Department of Homeland Security Federal Emergency Management Agency was seeking applicants for their Assistance to Firefighters Grant Program. The primary goal of the AFG Fire Prevention and Safety Grant program is to enhance the safety of the public and firefighters with respect to fire and fire related hazards.

On June 21, 2013, the City of Saginaw was notified that their application was approved for the purchase and installation of approximately 10,000 dual sensors, sealed 10-year lithium ion battery smoke detectors. The City will receive \$96,000 during Fiscal Year 2014. The effective date of this grant is June 11, 2013 through June 11, 2014.

The program objective of the AFG Grant under Fire Prevention and Safety Activity is to provide flexibility to applicants to design innovative strategies and or unique proposals that reach for a higher level of safety for the public with respect to fire and fire related hazard.

This grant is a one-year grant with a 20% matching requirement in the amount of \$24,000. Savings from the General Fund and donations will cover the matching requirement.

Council Action:

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

From: Timothy Morales, Interim City Manager
Subject: Fire Prevention & Safety (AFG) Grant Program Budget Adjustment
Prepared by: Christopher Van Loo, Community Public Safety - Fire

Manager's Recommendation:

It is recommended that a budget adjustment be completed to recognize the AFG Grant. The 2014 General Fund's Smoke Detector Revenue Account No 101-0000-671.010 should be increased from \$2,000 to \$98,000, which is an increase of \$96,000. To offset the increase in revenues, the Community Public Safety – Fire, Fire Suppression Division's Parts and Supplies Account No 101-3551-742.000 should be increased by the same.

In addition, a purchase order should be issued to Home Depot, the lowest bidder (only two were received due to specialty of smoke detectors) in the amount of \$120,000 for the purchase of 10,135 dual sensor 10-year sealed lithium smoke detectors as required by the AFG Grant.

Justification:

The Community Public Safety-Fire Division will provide and properly install free dual sensor 10 year sealed lithium ion battery smoke detectors to all owner occupied residential units within the City of Saginaw. The Saginaw Fire Department considers this program to be one of the most important and easiest ways to protect our citizens from fire danger within their residences. The installation portion of this Fire Prevention Safety Program also provides the Fire Department, the ability to locate and recommend other preventative safety measures while we are in the process of proper smoke detector installation.

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

Funds are available in the General Fund – Community Public Safety Office Parts and Supplies Account No (101-3510-742.000) in the amount of \$22,000 and Community Public Safety – Fire, Fire Suppression Division Parts and Supplies Account No (101-3551-742.000) in the amount of \$98,000.

Council Action:

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

From: Tim Morales, Interim City Manager
Subject: Personal Services Agreement with Susan Franklin
Prepared by: Kimberly Mason, Water and Wastewater

Manager's Recommendation:

I recommend that the Personal Services Agreement with Susan Franklin be approved for a period of January 22 through October 31, 2014 for an amount not to exceed \$15,500. This Agreement has been approved by me as to substance and by the City Attorney as to form.

Justification:

The City's Department of Water and Wastewater Treatment Services, Water Treatment Division, has the responsibility of providing water services to the City and other service areas pursuant to the City's wholesale agreements. The State of Michigan, Department of Environmental Quality, requires that an annual Consumer Confidence Report (CCR) be delivered to all consumers of the water system prior to July 1, 2014.

Susan Franklin has worked for the two engineering firms that have created our CCR since its inception 15 years ago and coordinated efforts to create a regional report for all of the City's wholesale and retail customers, resulting in cost savings. Ms. Franklin is now working as an independent contractor and possesses the skills and knowledge to create the CCR document, coordinate production and mailing and train plant staff on the effort needed to produce future reports. Ms. Franklin has extensive knowledge regarding the CCR, the City and the municipalities that receive the services from it.

The City will coordinate the development of the CCR with Ms. Franklin. The individual communities will sign participation agreements and reimburse the city for their share of the costs. The CCR will be developed and distributed to those who elect to participate in the 2013 CCR.

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

Funds for this purchase are budgeted in the Water Operations and Maintenance Fund, Treatment and Pumping Divisions Engineering Services Account No. 591-4730-802.000.

Council Action:

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

From: Timothy Morales, Interim City Manager

Subject: Garage Division - Emergency Purchase for Dump Truck Repair

Prepared by: Don Riley, Public Services Department

Manager's Recommendation:

I recommend that payment be made to Michigan Truck Spring of Saginaw, MI in the amount of \$2,984.76 for the cost of an emergency purchase order issued for suspension repairs to a 2004 GMC dump truck.

Justification:

On December 11, 2013, quotes were received for the replacement of springs and walking beams, which were worn beyond service on a 2004 GMC dump truck and an emergency purchase order was issued to Michigan Truck Spring. The dump truck is a frontline piece of equipment that assists in emergency repairs and maintenance of City water lines, sewers, and catch basins. The following is a tabulation of quotes received.

<u>Vendor</u>	<u>Cost</u>
Michigan Truck Spring Saginaw, MI (out-city)	\$2,984.76
Graff Truck Centers Saginaw, MI (out-city)	\$5,078.95

Michigan Truck Spring 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 Motor Pool Operation Fund – Garage Divisions, Motor Vehicle Repairs Account No. 661-4480-931.000.

Council Action:

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

From: Timothy Morales, Interim City Manager
Subject: Autodesk Civil 3D 2014 Jumpstart Template – ROW Division
Prepared by: Beth London, Public Services Department

Manager's Recommendation:

I recommend that the sole source quote from IMAGINiT Technologies (Division of Rand Worldwide Subsidiary), Independence, Ohio, be accepted and that a purchase order be approved and issued to them in the amount of \$4,000 for an Autodesk Civil 3D Jumpstart template and training.

Justification:

On January 9, 2014, a quote was received from IMAGINiT Technologies for a Civil 3D Jumpstart template and training for the Engineering Section of the Right of Way Division. IMAGINiT Technologies is the Great Lakes Region's authorized Autodesk service representative. The quote includes the purchase of the template and one full day of in-house training and template customization to the City of Saginaw survey and drafting standards.

The template includes various Civil 3D drafting codes, lines, styles, labels, and modeling, and will be given to outside engineering consultants providing survey, design and construction staking services for the City. The City will obtain a more consistent and uniform design product by having each of the consultants use the same template. This will lower the possibility of interpretation errors since all plans will have a uniform appearance based on City standards.

IMAGINiT Technologies (Division of Rand Worldwide Subsidiary) 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 Major Street Fund – Engineering Administrative Divisions, Professional Services Account No. 202-4612-801.000 (\$1,000), Sewer Fund – Engineering Administrative Divisions, Professional Services Account No. 590-4811-801.000 (\$1,500), Water Fund – Engineering Administrative Divisions, Professional Services Account No. 591-4711-801.000 (\$1,500).

Council Action:

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

From: Timothy Morales, Interim City Manager

Subject: Blanket Purchase Orders for Motor Vehicle Bulk Fluids

Prepared by: Don Riley, Public Services Department

Manager's Recommendation:

I recommend that blanket purchase orders be approved and issued to each vendor of the lowest bids listed below in the amount totaling \$30,999.25 for various motor vehicle fluids for fiscal year 2014.

Justification:

On October 29, 2013, bids were received for an annual supply of 5,440 gallons of various fluids that include anti-freeze, motor oil, windshield fluid, heat transfer oil, hydraulic fluid, etc. The City's Municipal Motor Pool Operation requires various lubricants to maintain the fleet. It is in the best interest of the City to distribute the bids among the three lowest bidders. The following is a tabulation of the bids received.

<u>Vendor</u>	<u>Cost</u>
Eastern Oil Company Pontiac, MI	\$27,892.10
Rowley's Wholesale Bay City, MI	\$ 2,727.15
Super-Flite Oil Co. Saginaw, MI (out-city)	\$ 380.00

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 Motor Pool Operation Fund – Garage Division, Motor Vehicle Supplies Account No. 661-4480-737.000, and will be accounted for in the Motor Pool Operation Fund – Garage Parts Inventory Account No. 661-0000-110.001.

Council Action:

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

From: Timothy Morales, Interim City Manager
Subject: Back-Up Salt Delivery for Streets FY 2014 – ROW Division
Prepared by: Beth D. London, Public Services Department

Manager's Recommendation:

I recommend that the bid from North American Salt, Co., Overland, Kansas be accepted at the State bid price, and that a purchase order be approved and issued to them in the amount of \$154,115 for back-up salt delivery for Fiscal Year 2014.

Justification:

On April 18, 1977, City Council approved a cooperative purchasing agreement with the State of Michigan, which allows the City to purchase material and equipment at State bid pricing. The City has used this agreement to purchase road salt for ice control in the past. In March of 2013, the City placed an order for 2,500 tons of back-up salt for this winter. The City is allowed to decrease or increase this purchase by 30% of the original order, per the general conditions of the contract. The City is opting to increase the back-up salt order by 30% and purchase 3,250 tons of back-up salt. This increase is necessary due to the weather and salt usage so far this winter.

North American Salt, Co., of Overland, Kansas, was the low bidder on the State bid at \$47.42 per ton. This price per ton includes the salt, weighing and loading, handling and the truck freight charges. This is comparable to a price of \$55.93 per ton for the bulk shipment of 2,000 tons received in March 2013.

North American Salt Co., 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 Major Streets Fund – Winter Maintenance Division, Street and Road Materials Account No. 202-4655-743.000 (\$58,563.70), Local Streets Fund – Winter Maintenance Division Street and Road Materials Account No. 203-4655-743.000 (\$23,117.25), Major Streets Fund - State Winter Maintenance Division Street and Road Materials Account No. 202-4692-743.000 (\$72,434.05).

Council Action:

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

From: Timothy Morales, Interim City Manager
Subject: Chapter 110: Business Regulations Ordinance
Prepared by: Janet Santos, City Clerk

Manager's Recommendation:

I recommend that Chapter 110: "General Provisions," of Title XI, "Business Regulations," of the City of Saginaw Code of Ordinances, O-1, be repealed and a new Chapter 110: "General Provisions," be added to Title XI, "Business Regulations," of the City of Saginaw Code of Ordinances, O-1. An Ordinance has been prepared and appears under the regular order of business.

Justification:

Due to City organizational changes in personnel and department procedures it has become necessary to revise Chapter 110: "General Provisions." The new Chapter 110: "General Provisions" will provide an ordinance for easier processing of business license applications and aligns with the new BS&A Software system. Since nearly all sections of the ordinance have amendments and/or an addition, it is recommended that the original ordinance be repealed and a new ordinance adopted.

Various sections within Chapter 110 are updated to match current City Administration personnel and Department titles, and indicate a designee option where appropriate. Amendments were made throughout the ordinance to consistently use the current Administrative titles, neutral pronoun references, and minor spelling corrections.

§110.28 "Taxicabs" is retitled as "Vehicles for Hire," and includes amendments that meet the current needs of the City. §110.29 "Taxicabs Drivers" is repealed. The "Appendix: Fees" section has been reviewed and updated to appropriate fee levels.

Council Action:

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

ORDINANCE INTRODUCTION

O-1

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

AN ORDINANCE TO REPEAL CHAPTER 110: "GENERAL PROVISIONS," AND INTRODUCE A NEW CHAPTER 110: "GENERAL PROVISIONS," OF TITLE XI, "BUSINESS REGULATIONS," 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 January 21, 2014, entitled and reading as follows, be taken up and enacted:

O- _____

AN ORDINANCE TO REPEAL CHAPTER 110: "GENERAL PROVISIONS," AND INTRODUCE A NEW CHAPTER 110: "GENERAL PROVISIONS," OF TITLE XI, "BUSINESS REGULATIONS," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

The City of Saginaw ordains:

Section 1. That Chapter 110: "General Provisions," of Title XI, "Business Regulations," of the City of Saginaw Code of Ordinances, O-1, is hereby repealed.

Section 2. That a new Chapter 110: "General Provisions," shall be added to Title XI, "Business Regulations," of the City of Saginaw Code of Ordinances, O-1, and shall read as follows:

CHAPTER 110: GENERAL PROVISIONS

Section

Licensing

- 110.01 Definitions
- 110.02 License required
- 110.03 License year
- 110.04 Approval of licenses
- 110.05 Fees and bond
- 110.06 Suspension, revocation, denial of renewal of license
- 110.07 Renewal
- 110.08 Exhibition of license
- 110.09 Transferability; misuse
- 110.10 Sales regulations

Businesses

- 110.20 Building wreckers
- 110.21 House movers and house raisers
- 110.22 Scrap material dealers and processors
- 110.23 Pawnbrokers
- 110.24 Peddlers and hawkers
- 110.25 Secondhand merchants
- 110.26 Stationary boiler operators and stationary engineers

110.27	Transient merchants
110.28	Vehicle for hire
110.29	Food vendors
110.30	Pool and billiard rooms
110.31	Dancing and dance halls
110.32	Dancing schools
110.33	Theaters
110.34	General business license
110.98	Violations
110.99	Penalty

Cross-reference:

Incorporation of state violations, see § 31.01

Responsibility for violations, see § 31.02

Tents; licensing, see § 92.14

LICENSING

§ 110.01 DEFINITIONS.

The following words and phrases, when used in this chapter shall have the meaning respectively ascribed to them:

BUSINESS. Includes all kinds of vocations, occupations, professions, enterprises, trades, privileges, establishments, and all other kinds of activities and matters, together with all devices, machines, vehicles, and appurtenances used therein, any of which are conducted for non-profit, private profit or benefit, either directly or indirectly, on any premises in this City, or anywhere else within its jurisdiction.

CITY. The City of Saginaw.

CITY COUNCIL. The City Council of the City of Saginaw.

LICENSE and **LICENSEE.** Include, respectively, the words **PERMIT** or **PERMITTEE**, or the holder for any use or period of time of any similar privilege, wherever relevant to any provision of this subchapter or other law or ordinance.

PERSON. Includes individual natural persons, partnerships, joint-venturers, societies, associations, clubs, trustees, trusts, or corporations, or any other individual sharing in the profits of the business; or any officers, agents, employees, factors, or any kind of personal representatives of any thereof, in any capacity, acting either for himself/herself, or for any other person, under either personal appointment or pursuant to law.

PREMISES. Includes all lands, structures, places, and also the equipment and appurtenances connected or used therewith in any business, and also any personal property which is either affixed to or is otherwise used in connection with any such business conducted on such premises.

§ 110.02 LICENSE REQUIRED.

(A) No person shall engage, advertise, represent himself/herself as engaged, or be engaged in the operation, conduct, or carrying on of any trade, profession, business, or privilege for which any license is required by any provision of this code without first obtaining a license from the City in the manner provided for in this chapter.

(B) The granting of a license or permit to any person operating, conducting, or carrying on any trade, profession, business, or trades, professions, businesses, or privileges, which are required by this code to be licensed, shall not relieve the person to whom such license or permit is granted from the necessity of securing individual licenses or permits for each such trade, profession, business, or privilege.

(C) The fact that a license or permit has been granted to any person by the State of Michigan to engage in the operation, conduct, or carrying on of any trade, profession, business, or privilege shall not exempt such person from the necessity of securing a license or permit from the City if such license or permit is required by this code.

(D) Unless otherwise provided in this code, every person required to obtain a license or permit from the City to engage in the operation, conduct, or carrying on of any trade, profession, business, or privilege shall make application for said license or permit to the City Clerk upon forms provided by the City Clerk and shall state under oath or affirmation such facts as may be required for, or applicable to, the granting of such license or permit.

(E) The applicant or licensee shall have a duty to notify the office of the City Clerk of any changes in the information contained in an application which is pending or which was the basis for the issuance of a license.

§ 110.03 LICENSE YEAR.

(A) The license year shall begin May 1 of each year and shall terminate at midnight on April 30 of the following year, except as herein otherwise provided.

(B) Wherever § 112.15 et seq. provides for fees for periods of less than one (1) year, the licenses shall be issued for the full time for which the fee is paid.

§ 110.04 APPROVAL OF LICENSES.

(A) No license or permit required by this code shall be issued to any person who is required by a provision of this code to also have a license or permit from the State of Michigan until such person shall submit evidence of such state license or permit and proof that all fees appertaining thereto have been paid.

(B) No license or permit shall be granted to any applicant therefor until such applicant has complied with all of the provisions of this code applicable to the trade, profession, business, or privilege for which application for license or permit is made. Neither shall any license or permit be granted where the certification of any officer of the City or other official is required prior to the issuance thereof until such certification is made.

(C) In all cases where the certification of the Health Officer is required prior to the issuance of any license or permit by the City Clerk, such certification shall be based upon an actual inspection and finding that the person making application and the premises in which the person proposes to conduct or is conducting the trade, profession, business, or privilege comply with all the sanitary requirements of the state, county and City.

(D) In all cases where the certification of the Fire Chief or the Chief's designee is required prior to issuance of any license or permit by the City Clerk, such certification shall be based upon an actual inspection and a finding that the premises in which the person making application for such license or permit proposes to conduct or is conducting the trade, profession, business, or privilege comply with all the fire regulations of the state and of the City.

(E) (1) In all cases where the certification of the Police Chief or the Chief's designee is required prior to issuance of any license or permit by the City Clerk, except as is otherwise provided in this chapter, such certification shall be based upon a finding that the person making application for such license or permit is of good moral character and that the person will not pose a threat to the public safety, peace, good order, and decency. In making such determination, the Chief of Police or the Chief's designee shall consider:

(a) Penal history. All convictions, if any, reasons therefor, and the demeanor of the applicant subsequent to their conviction and/or release. The City Police shall be allowed to run a complete criminal history of the applicant.

(b) License history. The license history of the applicant, if any; whether such person in previously operating in this or another state under a license has had such license revoked or suspended, the reasons therefor, and the demeanor of the applicant subsequent to such action.

(c) General personal history. Such other facts relevant to the general personal history of the applicant as shall be found necessary to a fair determination of the eligibility of the applicant.

(d) No obligation to the City. Whether the applicant is in default under the provisions of this chapter or indebted or obligated in any manner to the City except for current taxes.

(2) Where the fingerprints of an applicant are required to be filed, any state fees for the processing of said fingerprints shall be charged to the applicant in addition to required license fees.

(F) In all cases where the carrying on of the trade, profession, business, or privilege involves the use of any structure or land, a license or permit therefor shall not be issued until the Inspections Division shall certify that the proposed use is not prohibited by the zoning and building regulations.

(G) No license or permit required by this code shall be issued to any person without the verification of a valid current driver's license or identification card issued by a federal or state government that contains the persons photograph and signature.

§ 110.05 FEES AND BOND.

(A) *Generally.*

(1) Where the provisions of this code require that the applicant for any license or permit furnish a bond, such bond shall be furnished in an amount deemed adequate by the proper City officer, or, where the amount thereof is specified in the schedule of fees and bonds set out in the Appendix to this chapter or elsewhere in this code, in the amount so required; the form of such bond shall be acceptable to the designated City Official. In lieu of a bond, an applicant for a license or permit may furnish one (1) or more policies of insurance in the same amounts and providing the same protection as called for in any such bond; any such policies of insurance shall be approved by the designated City official issuing said license.

(2) If the application for any license or permit is approved by the proper officers of the City, said license or permit shall be granted upon proper payment for same at the office of the issuing authority.

(3) No license fee shall be required from any person exempt from such fee by state or federal law. Such persons shall comply with all other provisions of this chapter. The City Clerk shall, in all such cases, issue to such persons licenses or permits which are clearly marked as to said exemption and the reason therefor.

(4) Whenever any person fails to comply with provisions of this chapter and has been served a notice of violation of this code and has failed to achieve

compliance as ordered in the time specified, a reinspection fee set out in the Appendix of this chapter necessitated by such noncompliance shall be assessed and paid to the City Treasurer within the time period indicated. Each subsequent additional failure to comply, after additional notices citing the same violations have been served, shall be subject to an additional reinspection fee.

(B) *Schedule established.* The fee required to be paid and the amount of any bond required to be posted to obtain any license to engage in the operation, conduct, or carrying on of any trade, profession, business, or privilege for which a license is required by the provisions of this code shall be as hereinafter provided in the chapter. No license shall be issued to any applicant unless they first pay to the City Treasurer the fee and posts a bond in the amount required for the type of license desired.

(C) *Late payment penalty.* An additional late charge of fifty (50%) percent of the base fee shall be incurred as a result of the following:

(1) Failure to obtain a business license within fifteen (15) days from the effective date of the ordinance or any applicable amendment;

(2) Failure to obtain a business license within fifteen (15) days of commencement of a business; or

(3) Failure to renew a business license by the license expiration.

§ 110.06 SUSPENSION, REVOCATION, DENIAL OF RENEWAL OF LICENSE.

(A) *Generally.* The City Manager or their designee may suspend, revoke, or deny renewal of a license for cause of any license or permit issued by the City in the manner herein provided. Divisions (A) through (D) of this section shall not apply to denial of new licenses.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CAUSE. As used in this section shall include:

(1) The doing or omitting of any act or permitting any condition to exist in connection with any trade, profession, business, or privilege for which a license or permit is granted under the provisions of this code, or any premises or facilities used in connection therewith, which act, omission, or condition is contrary to the health, morals, safety, or welfare of the public; is unlawful or fraudulent; is unauthorized or beyond the scope of the license or permit granted; or is forbidden by the provisions of this code or any duly established rule or regulation of the City applicable to the trade, profession, business, or privilege for which the license or permit has been granted;

(2) The arrest and conviction of the licensee or permittee for any crime involving moral turpitude;

(3) Fraud, misrepresentation, or any false statement made in the application of the license;

(4) Fraud, misrepresentation, or any false statement made in the operation of a business;

(5) Failure or inability of an applicant to meet and satisfy the requirements and provisions of this code;

(6) Violation of any state or federal statute or duly adopted federal, state, or local rule and regulation as relates to the operation or business pertaining to the license or registration.

(C) *Notice.* Whenever the City Manager or their designee shall have evidence to warrant the suspension, revocation, or denial of renewal of a license or permit, the City Manager or their designee shall send a notice to the licensee or permittee by certified mail to their last known address, which notice shall contain a statement of the charge against the licensee or permittee and a definite time and place for a hearing of the charge, and shall order the licensee or permittee to show why the license or permit should not be suspended, revoked, or denied renewal, and that failure by the licensee or permittee to appear at the hearing may result in suspension, revocation, or denial of renewal of the license or permit. Unless the licensee or permittee requests a longer time, the hearing shall be conducted within five (5) days from the order of suspension, revocation, or denial of renewal of a license or permit.

(D) *Hearing.*

(1) The City Manager shall appoint a Hearing Officer to conduct a public hearing at which the licensee or permittee shall be granted an opportunity to show cause why the license or permit should not be suspended, revoked, or denied renewal. The hearing officer may be the City Manager or any officer or employee of the City appointed or assigned to the Administrative Departments as set forth in Chapter 30 of this code.

(2) In any proceedings under this section, the Hearing Officer has the power to administer oaths and affirmations and to certify official acts. The Hearing Officer shall proceed with reasonable dispatch to conclude any matter before them. Due regard shall be shown for the convenience and necessity of the parties and their representatives.

(3) The Hearing Officer shall cause a record of the entire proceeding to be made by tape recording or by other means of permanent recording determined appropriated by the Hearing Officer. A transcript of the proceedings shall be made

available to all parties upon request and upon payment of a fee prescribed therefor. The fee may be established by the Hearing Officer but shall not be greater than the cost of making the transcript.

(4) The hearing need not be conducted according to the technical rules of evidence adopted for the Courts of Record in the state.

(5) The Hearing Officer shall take testimony from the licensee or permittee and any person having knowledge relevant to the suspension, revocation, or denial of renewal of a license or permit. Oral evidence shall be taken only upon oath or affirmation of the party offering the testimony.

(6) Hearsay evidence may be used under the following guidelines:

- (a) Hearsay evidence may be used to explain other direct evidence.
- (b) Hearsay evidence may be used to support other direct evidence.
- (c) Hearsay evidence shall not be used in itself to support a finding, unless it would be admissible in civil actions in courts of competent jurisdiction.

(7) Any relevant evidence shall be admitted. **RELEVANT EVIDENCE** shall be defined, for the purpose of this section, as the type of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs. Such relevant evidence shall be admitted regardless of whether or not it may be admissible in civil actions in courts of competent jurisdiction.

(8) Irrelevant and unduly repetitious evidence shall be excluded. Each party shall have these rights:

- (a) To call and examine witnesses on any matter relevant to the issues of the hearing;
- (b) To introduce documentary and physical evidence;
- (c) To cross-examine opposing witnesses on any matter relevant to the witness to testify;
- (d) To impeach any witness regardless of which party first called the
- (e) To refute the evidence;
- (f) To represent himself or herself or to be represented by anyone of their choice who is lawfully permitted to do so;
- (g) To make a closing statement at the conclusion of the evidentiary portion of the hearing.

(9) Failure of the licensee or permittee or their representative to appear at the hearing may be deemed to be an admission by the licensee or permittee of the facts set forth in the City Manager's notice and order.

(10) At the conclusion of the hearing, the Hearing Officer shall make written findings of fact based upon the competent evidence and testimony admitted during the hearing.

(11) The Hearing Officer shall make a finding whether or not the license or permit shall be denied, revoked, or suspended.

(E) *Appeal upon denial, suspension, or revocation of a license.*

(1) Any party dissatisfied with the decision of the City Manager or other appropriate Hearing Officer or body shall have a right to appeal the decision. The appeal shall be in writing and shall contain a complete statement of the grounds for the appeal. It must be filed with the City Clerk, together with an appeal fee, within fourteen (14) days after notice of such denial, suspension, or revocation is mailed to the person's last known address. This appeal upon denial includes the denial of a new license.

(2) Within ten (10) days of the receipt of the appeal by the City Clerk, the Clerk shall schedule an appeal hearing. Unless waived by the parties, the Clerk shall mail by first class mail a written notice of the time and location of the appeal hearing at least five (5) days prior to the hearing. The appeal hearing shall be an informal hearing held before a panel consisting of the City Manager or their designee, the affected department head or their designee, and the City Clerk or their designee.

(3) The factual record made in the hearing, or license or permit application record in case of denial, shall constitute the basic record for the appeal. The appeal panel may, but need not, allow the presentation of additional evidence by a majority vote. Argument as to relevant factual and legal issues shall be permitted. The decision of the appeal panel shall be reached by majority vote and mailed to the parties within seven (7) days of the conclusion of the hearing. The decision of the appeal panel shall be final and conclusive.

(4) A party aggrieved by the order or decision of the appeal panel may appeal the decision to a court of competent jurisdiction as provided by state statutes and court rules.

(F) *Immediate suspension.* Where the City Manager or their designee shall determine that in the interest of the public health, morals, safety, or welfare an immediate suspension is necessary, they shall order the same. In such case, the City Manager shall forthwith send a notice to the licensee or permittee by certified mail to their last known address, which notice shall contain a statement of the charge against the licensee or permittee and a definite time and place for a hearing of the charge and shall order the

licensee or permittee to show why their license or permit should not be suspended for an additional period of time or revoked. Unless the licensee or permittee requests a longer time, the City Manager or their designee shall conduct said hearing within five (5) days from the order of suspension, at which time and place the licensee or permittee shall have an opportunity to present a defense to the charge and cross-examine any witnesses and examine all evidence produced against them. The decision may be appealed pursuant to division (E) above.

(G) *Fee refund.* No fee for any license or permit which has been suspended or revoked pursuant to the provisions of this section shall be refunded.

§ 110.07 RENEWAL.

Unless otherwise provided in this code, an application for renewal of a license shall be considered in the same manner as an original application.

§ 110.08 EXHIBITION OF LICENSE.

(A) No licensee shall fail to carry any license or permit issued in accordance with the provisions of this chapter upon their person at all times when engaged in the operation, conduct, or carrying on of any trade, profession, business, or privilege for which the license was granted; except that where such trade, profession, business, or privilege is operated, conducted, or carried on at a fixed place or establishment, said license or permit shall be exhibited at all times in some conspicuous place in said place of business and shall be produced for examination when applying for a renewal thereof or when requested to do so by any City police officer or by any person representing the issuing authority.

(B) No licensee shall fail to display conspicuously a license that is required by this code.

(C) No person shall display any expired license or permit or any license or permit for which a duplicate has been issued.

§ 110.09 TRANSFERABILITY; MISUSE.

(A) No license or permit issued under the provisions of this code shall be transferable unless specifically authorized by the provisions of this code. No licensee or permittee shall, unless specifically authorized by the provisions of this code, transfer or attempt to transfer their license or permit to another, nor shall they make any improper use of the same.

(B) A change in ownership of a business licensed under this code shall be immediately reported in writing to the City Clerk.

§ 110.10 SALES REGULATIONS.

(A) No licensee or permittee shall sell or offer for sale any article or commodity purporting to be in quantities of standard weight or measure, unless the same shall be actually of the weight or measure purported.

(B) No licensee or permittee shall sell or offer for sale any defective, faulty, incomplete, or deteriorated articles of merchandise unless the goods are so represented to prospective customers.

BUSINESSES**§ 110.20 BUILDING WRECKERS.**

No person shall engage in the business of wrecking buildings without first obtaining a license therefor. No such license shall be granted except upon certification of the Chief Inspector or their designee that said applicant is properly qualified and equipped to engage in said business.

§ 110.21 HOUSE MOVERS AND HOUSE RAISERS.

(A) No person shall move any house or other building more than twelve (12) feet in width, or more than twenty (20) feet in length, or more than thirteen (13) feet in height when loaded, onto or through any street, alley, or public place without first obtaining a house mover's license.

(B) No person shall engage in the business of raising houses or buildings without first obtaining a license therefor.

(C) No license required by this section shall be granted except upon the certification by the Chief Inspector or their designee, that said applicant is properly qualified and equipped to raise houses or to move houses and other objects.

(D) Before any house or building more than eight (8) feet in width is moved through any street, alley, or public places, a permit shall first be obtained from the Traffic Engineer which shall specify the route which must be used. No person shall use other than the permitted route.

(E) Before any such license is issued, the applicant therefor shall furnish a corporate surety bond in the penal sum of five hundred (\$500.00) with sufficient surety to be approved by the City Clerk, which bond shall be conditioned for the due observance during the time of the license of all laws of the state and all ordinances of the City. Any person aggrieved by the action of any such licensee shall have a right of action on the bond for the recovery of money or damages, or both. Such bond shall remain in full force and effect for a period of ninety (90) days after the expiration or cancellation of any such license or after the termination of any action upon such bond.

§ 110.22 SCRAP MATERIAL DEALERS AND PROCESSORS

(A) No person shall engage in the business of dealer in or processor for resale of scrap metal, other scrap materials, used auto parts, or any form of goods commonly considered junk, nor assemble same in one (1) location for the purpose of sale, without obtaining a license therefor as provided in this section.

(B) No license shall be issued under this section:

(1) Except upon the certification of the Police, Fire, and Inspection Departments. The certification of the Chief Inspector or their designee shall be given if the premises upon which the licensed business and the use complies with the provisions of subsections (2) and (3) below and with the applicable provisions of City zoning regulations.

(2) Unless the applicant therefor files with the original application for the conduct of the business the written consent of sixty percent (60%) of the owners of the exclusively residential property within five hundred (500) feet of the property where such business is to be conducted.

(3) For conducting such business on a vacant lot or in a partially enclosed structure, unless all street frontage and all other property lines affording access by persons or vehicles to such property are enclosed with a properly maintained or opaque fence at least seven (7) feet above grade, said fence to be structurally sufficient to withstand any wind, snow, or other load to which it may reasonably be subjected or unless an alternate installation accomplishing comparable results as determined pursuant to division (F) hereof is maintained. For purposes of this subsection, any fence shall be deemed to be "opaque" if the open area in each square foot thereof does not exceed a total of twenty-four (24) square inches.

(C) Each such license granted shall designate the particular place where said business is to be conducted, and no licensee shall engage in said business at any place other than that so designated.

(D) No licensee shall purchase or receive any article:

- (1) Between the hours of 7:00 p.m. and 7:00 a.m.;
- (2) On any Sunday;
- (3) From any person under the age of seventeen (17) years without the written consent of a parent or guardian;
- (4) From any person that was the subject of a written notice by authorized officers pursuant to MCL 446.205 and 446.214.

(E) No licensee shall fail to keep a daily record of all purchases and sales made by them nor to report same weekly to the Police Chief or the Chief's designee, on

forms prescribed by said Police Chief. The Police Chief or the Chief's designee shall at all times have access to such daily record.

(F) In order that the suitability of alternate methods of screening and containing the contents of scrap material yards may be established and to provide for reasonable interpretations of this section, a Special Board consisting of the then-members of the Board of Appeals on Zoning shall upon application hear and determine any written appeal made to it by any person considering himself or herself aggrieved by any action or decision of the City Clerk or any other official acting under the provisions of this section. Service of said appeal shall be made on the Secretary of the Board of Appeals on Zoning within ten (10) days after said action or decision. Among other factors which may be considered by the Special Board are remoteness of the location, the use of adjoining property, litter or other nuisances, larceny, trespass, and any other criminal offenses related to the property. The Special Board shall render its decisions and findings in writing to the City Clerk with a duplicate copy to the appellant. The Special Board may recommend to the City Council such amendment of this section as it may determine to be appropriate to protect the public.

§ 110.23 PAWNBROKERS.

(A) No person shall directly or indirectly operate, conduct, or engage in the business of pawnbroker without first obtaining a license therefor. No such license shall be granted except upon certification of the Police Chief and Fire Chief or their designees.

(B) No such license shall be granted to any person unless a complete set of fingerprints of such person is on file in the noncriminal identification file of the Police Department.

(C) Before any such license is issued, the applicant therefor shall furnish a corporate surety bond in the penal sum of three thousand dollars (\$3,000.00) with sufficient surety to be approved by the City Clerk, which bond shall be conditioned for the due observance during the time of the license of all laws of the state and all ordinances of the City. Any person aggrieved by the action of any such licensee shall have a right of action on the bond for the recovery of money or damages, or both. Such bond shall remain in full force and effect for a period of ninety (90) days after the expiration or cancellation of any such license or after the termination of any action upon such bond.

(D) (1) No person shall fail to keep record of all persons with whom they do business and all property coming into their possession. All reports must be electronically transmitted to the Chief of Police or their designee. Every pawnbroker must, within forty-eight (48) hours, transmit to the Chief of Police or their designee all transactions in which the pawnbroker received used goods the preceding day by pawn, trade, purchase or consignment, in a format approved by the Chief of Police or their designee for identifying pawned property. A transaction reported by electronic transmission under this subsection shall not be reported on paper forms unless the Chief of Police or their designee so requests.

(2) A pawnbroker need not report electronically transactions taking place at a business location where the number of pawn transactions in each ninety (90) day period does not exceed ten (10). A pawnbroker reasonably believing a location at which they conduct a pawnshop qualified under this subsection for exemption from computerized reporting and wishing to be exempt from the requirements of this section shall sign, under penalty or perjury, a declaration to that effect in a form developed by the Chief of Police or the Chief's designee, and once the declaration is signed, so long as the volume of transactions does not exceed ten each ninety (90) day period, pawn transactions taking place at that pawnshop need not be reported electronically, but shall be reported on paper forms.

(3) All pawnbrokers must have the equipment installed in their place of business no later than July 31, 2006. The Saginaw Police Department will require all pawnbrokers to electronically submit data beginning August 1, 2006.

(E) A fee of two dollars (\$2.00) will be assessed per transaction. The fee breakdown is as follows: The electronic information data manager and pawnbroker will each receive fifty cents (\$0.50) per transaction and the City will receive one dollar (\$1.00) per transaction. The electronic information data manager will assess a property registration fee of fifty cents (\$0.50) for each transaction the pawnshop reports, either through batch file upload or directly using the electronic information data manager's business interface or on the electronic information data manager's Automated Reporting Service that involves the purchasing, pawning or re-pawning of secondhand goods.

(F) (1) A **TRANSACTION** is defined as a single buy or pawn, which may involve one or more second hand goods and does not include contract extensions or claims. This is a per transaction registration fee, not a per item fee included in the transaction. It is in the pawnshop's discretion to recover the fees from its customers for registering the transaction. Further, the pawnshop may choose to incorporate the fee within other fees associated with the transaction.

(2) The pawnshop will be invoiced on a monthly basis. The electronic information data manager's Automated Reporting Service will generate a list of the billable transactions, which are used for deriving the invoiced amounts. The above fees are assessed for the use of the standard electronic information data manager's Automated Reporting Service.

(3) Any custom programming completed for the pawnshop will be negotiated on a contract basis and may result in unique licensing arrangements between the electronic information data manager and the pawnshop.

§ 110.24 PEDDLERS AND HAWKERS.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

HAWKER. A peddler who cries their wares, goods, or merchandise or exhibits them publicly.

PEDDLER. A person who travels from place to place and who sells or offers to sell small non-edible wares, goods, or merchandise which accompany the peddler in traveling about from place to place.

(B) A peddler and a hawker must carry a valid license issued by the City in their possession to lawfully conduct business within the City limits.

(C) No licensee shall hawk, peddle, solicit, or sell any goods or merchandise on or in any public sidewalk, public street, public park, public parking ramp, public parking lot, or any public building without approval of the Director of Public Services or their designee.

§ 110.25 SECONDHAND MERCHANTS.

(A) No person shall directly or indirectly operate, conduct, or engage in the business or occupation of dealing in secondhand or used personal property without first obtaining a license therefor. For the purpose of this section, dealing in secondhand or used personal property shall include purchasing, selling, exchanging, or storing to facilitate or promote the sale of secondhand or used personal property of any kind or description; provided, that this section shall not apply to persons who deal exclusively in used personal property commonly known as "antiques."

(B) No such license shall be granted except upon certification of the Police Chief or their designee and unless a complete set of the fingerprints of the applicant therefor are on file in the noncriminal identification file of the Police Department.

(C) No licensee shall purchase or receive any article:

- (1) From any person under the age of eighteen (18) years without the written consent of a parent or guardian;
- (2) From any person that was the subject of a written notice by authorized officers pursuant to MCL 446.205 or 446.214.

(D) (1) No person shall fail to keep record of all persons with whom they do business and all property coming into their possession. All reports must be electronically transmitted to the Chief of Police or their designee. Every secondhand merchant, within forty-eight (48) hours, must transmit to the Chief of Police or their designee by means of electronic transmission through a modem or similar device in such a format that the data is capable of direct electronic entry into the Saginaw Police Department's computerized system approved by the Chief of Police for identifying secondhand or used personal property, all transactions in which the secondhand merchant received secondhand or used personal property the preceding day by pawn.

trade, purchase, or consignment. A transaction reported by electronic transmission under this subsection shall not be reported on paper forms unless the Chief of Police or their designee so requests.

(2) A secondhand merchant need not report electronically transactions taking place at a business location where the number of transactions in each ninety (90) day period does not exceed ten (10). A secondhand merchant reasonably believing a location at which they conducts a business qualified under this subsection for exemption from computerized reporting and wishing to be exempt from the requirements of this section shall sign, under penalty and/or perjury, a declaration to that effect in a form developed by the Chief of Police or the Chief's designee, and once the declaration is signed, so long as the volume of transactions does not exceed ten (10) each ninety (90) day period, transactions taking place at that business need not be reported electronically, but shall be reported on paper forms.

(3) All secondhand merchants must have the equipment installed in their place of business no later than July 31, 2006. The Saginaw Police Department will require all secondhand merchants to electronically submit data beginning August 1, 2006.

(E) (1) A fee of two dollars (\$2.00) will be assessed per transaction, which must be paid to the secondhand merchants pursuant to the following fee breakdown: The electronic information data manager and secondhand merchant will each receive fifty cents (\$0.50) per transaction and the City will receive one dollar (\$1.00) per transaction. The electronic information data manager will assess the property registration fee of fifty cents (\$0.50) for each transaction the secondhand merchant reports, either through batch file upload or directly using the electronic information data manager's business interface or on the electronic information data manager's Automated Reporting Service that involves the purchasing of secondhand goods or used personal property.

(2) A **TRANSACTION** is defined as a single buy or which may involve one or more secondhand goods or used personal property and does not include contract extensions or claims. This is a per transaction registration fee, not a per item fee included in the transaction. It is in the secondhand merchant's discretion to recover the fees from its customers for registering the transaction. Further, the secondhand merchant may choose to incorporate the fee within other fees associated with the transaction.

(3) The secondhand merchant will be invoiced on a monthly basis. The electronic information data manager's Automated Reporting Service will generate a list of the billable transactions, which are used for deriving the invoiced amounts. The above fees are assessed for the use of the standard electronic information data manager's Automated Reporting Service. Any custom programming completed for the secondhand merchant will be negotiated on a contract basis and may result in unique licensing

arrangements between the electronic information data manager and the secondhand merchant.

(F) Before any such license is issued, the applicant therefore shall furnish a corporate surety bond in the penal sum of three thousand dollars (\$3,000.00) with sufficient surety to be approved by the City Clerk, which bond shall be conditioned for the due observance during the time of the license of all laws of the state and all ordinances of the City. Any person aggrieved by the action of any such licensee shall have a right of action on the bond for the recovery of money or damages, or both. Such bond shall remain in full force and effect for a period of ninety (90) days after the expiration or cancellation of any such license or after the termination of any action upon such bond.

§ 110.26 STATIONARY BOILER OPERATORS AND STATIONARY ENGINEERS.

(A) Definitions:

- (1) Fuel (Energy) systems include:
 - (a) Coal;
 - (b) Fuel oil;
 - (c) Gas - natural/ liquefied petroleum;
 - (d) Electricity;
 - (e) Bio-mass;
 - (f) Volatile waste fluids.
- (2) BTU (British Thermal Unit)
- (3) Types of licenses:
 - (a) Fourth Class License 6,000,000 BTU input (180 HP);
 - (b) Third Class License 12,000,000 BTU input (360 HP);
 - (c) Second Class License 20,000,000 BTU input (600 HP);
 - (d) First Class License 250,000,000 BTU input (750 HP).

(B) No person shall engage in the occupation of operating steam boilers or steam actuated machinery without first obtaining a license issued by the City. Such license shall be granted by the Board of Examiners for Stationary Boiler Operators and Stationary Engineers after it has been determined by examination that such person is qualified to operate said boilers or machinery as outlined in the license skill index.

(C) Candidates for Stationary Boiler Operator's License and Stationary Engineering License also must have knowledge of the following types of equipment:

(1) Commercial hot water boiler (generator) system and their heat source.

(2) Commercial incinerator systems including recovery boilers, heat recovery elements of fired or engine driven electrical generating equipment.

- (3) Direct fired absorption chillers for air conditioning.
- (4) Direct fired elements for liquid phase or vapor phase systems employing synthetic organic fluids instead of water as a heat transfer medium.

(D) Candidates must also have knowledge of the following:

- (1) Safe handling of fuels as promulgated by the National Fire Protection Agency (NFPA).
- (2) Guidelines published by the following:
 - (a) American Society of Mechanical Engineers (ASME);
 - (b) American Boiler Manufacturers Association (ABMA);
 - (c) American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRE).

Candidates must also have knowledge of up-to-date requirements for clean air and water by the Environmental Quality Division of the Michigan Department of Natural Resources. Candidate practical experience required.

(E) The Board of Examiners for Stationary Boiler Operators and Stationary Engineers issues four types of licenses based upon the BTU input of specific pieces of equipment. The licenses are: Fourth, Third, Second and First Classes.

(F) Applicants for the Stationary Engineers License must have passed all four levels of the Stationary Boiler Operators examinations.

(G) Candidates for Fourth Class Boiler Operators License shall have had on the job training plus orientation from selected textbooks. Third Class candidates shall have had on the job training and also be encouraged to enroll in an industrial powerhouse operator training program offered at some local colleges. To write the Second and First Class Boiler Operators Examinations, the candidate must have at least one year of boiler room experience.

Stationary Engineers License candidates must have at least two years powerhouse experience. If a candidate fails the examination, six months must elapse before rewriting the examination.

Persons possessing a boiler operator's license from another location, but planning on being employed in Saginaw, have one year to pass the examinations relative to the class of license required for the equipment under their control.

(H) License fees are not graduated, but constant for all skill levels. The skill levels are: Fourth Class through First Class.

(I) License holder need only renew highest level license and not those of lower levels previously awarded.

(J) Licenses are renewable on April 30 of each year regardless of the date of issuance, i.e. no proration. Any existing license or renewal thereof may be renewed by mail without reexamination, provided the City receives the renewal fee within sixty (60) days of notice.

(K) The provisions of this section do not apply to steam boilers and other steam-generating apparatus installed and used in private dwellings, marine service, railroads or agriculture (mint processing).

§ 110.27 TRANSIENT MERCHANTS.

(A) No person shall engage temporarily in the business of selling at retail any goods, wares, or merchandise from any lot, building, room, or structure of any kind on public or private property within the City without first obtaining a license/registration therefor.

(B) The term **TRANSIENT MERCHANT** shall not include any persons selling goods, wares, or merchandise of any description raised, produced, or manufactured by the individual offering the same for sale nor to persons handling vegetables, fruits, or perishable farm products at any established City market nor to any stands located at the Saginaw Farmers Market. However, a person conducting business at any established City market shall register with the City Clerk by completing the application form described in (D) below, provided that no fee shall be charged for any such registration.

(C) Transaction of business as described in division (A) by any person for a period of less than six (6) months consecutively shall be prima facie evidence that such person was a transient merchant within the intent and meaning of this section.

(D) Any person applying for a transient merchant license/registration shall complete an application form provided by the City Clerk and pay the required license fee which shall not be refunded if no license is issued. The application form shall be submitted to the City Clerk at least fifteen (15) days prior to conducting any business requiring a license/registration hereunder. The application form shall include, but not be limited to:

(1) The name and address of the applicant;

(2) A listing of the precise locations within the City at which the applicant proposes to conduct business;

(3) The signatures of the owners of the private property from which the business is to be conducted signifying the approval thereof.

(E) Any honorably discharged member of the Coast Guard, Army, Navy, Air Force, or Marine Corps of the United States, who is a resident of the state and a veteran of any war in which the United States of America has been or shall be a participant, shall have the right to hawk, vend or peddle their own goods, wares and merchandise within the City by procuring a license therefor as herein prescribed. Application for such license shall be made in the form and manner prescribed in this article, and upon presentation of a certificate of honorable discharge from the Coast Guard, Army, Navy, Air Force, or Marine Corps of the United States, which certificate shall show that the applicant is a veteran of any war in which the United States has been or shall be a participant, a veteran's license shall be issued to the applicant without cost.

(1) Any person exempt by law from the payment of license fees as prescribed herein shall comply with all other provisions of this article, and upon submission of satisfactory evidence to the City of such exemption, a license shall be issued to such applicant without requiring the payment of any fee, and the City shall indicate upon the face of the license that same was issued pursuant to such exemption without any fee being paid therefor.

(F) No license/registration shall be issued hereunder without the certification of the Fire Marshal if the applicant proposes to use any building or structure in conjunction with the business.

(G) Before any such license is issued to any person selling furs such as coats, scarfs, neck pieces, muffs, etc. or rugs (oriental, domestic, handwoven, novelty), the applicant therefor shall furnish a corporate surety bond in the penal sum of one thousand dollars (\$1,000.00) with sufficient surety to be approved by the City Clerk, which bond shall be conditioned for the due observance during the time of the license/registration of all laws of the state and all ordinances of the City. Any person aggrieved by the action of any such licensee shall have a right of action on the bond for the recovery of money or damages, or both. Such bond shall remain in full force and effect for a period of ninety (90) days after the expiration or cancellation of any such license/registration or after the termination of any action upon such bond.

(H) As a condition to obtaining a license to operate as a transient merchant, the licensee is required to acknowledge in writing receipt of a summary of materials regarding certain Michigan statutes which regulate the licensing operation of such a business.

§ 110.28 VEHICLE FOR HIRE.

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

VEHICLE FOR HIRE. A motor vehicle regularly engaged in the business of carrying passengers for hire and not operating on a fixed route.

(B) No person shall operate or permit a vehicle for hire owned or controlled by them to be operated as a vehicle for hire upon the streets of the City without having first obtained a license for each such vehicle.

(C) No vehicle for hire license shall be issued or continued unless there is in full force and effect one (1) or more liability insurance policies issued by an insurance company authorized to do business in the state for each licensed vehicle in the amount of one hundred thousand dollars (\$100,000.00) for bodily injury to any one (1) person; in the amount of three hundred thousand dollars (\$300,000.00) for injuries to more than one (1) person which were sustained in the same accident, and fifty thousand dollars (\$50,000.00) dollars for property damage resulting from one (1) accident. Said policy or policies of liability insurance shall be approved by and be filed with the City Clerk.

(D) Each such insurance policy shall contain a clause obligating the insurer to give the City Clerk, by registered mail, at least ten (10) days written notice before the cancellation or termination of such insurance by other than the expiration of the original term of the policy. Upon termination of any such policy of insurance, however caused, the vehicle for hire license in connection with which it was furnished shall immediately be suspended, and such suspension shall continue until the required insurance policy or policies have been furnished and approved as required by division (C) above.

(E) The license of the vehicle shall be prominently displayed in the lower rear driver's side window in a manner that does not obstruct the driver's vision.

(F) The City Manager is hereby empowered, subject to approval by the Council, to make such rules and regulations pertaining to any vehicle for hire as is necessary to protect the public health and the safety of persons and property, and no person shall fail to comply with any such rule or regulation.

(G) A meter used in this subsection shall be deemed to mean a mechanical instrument or device by which the lawful charge for hire is mechanically calculated and upon which such charge is indicated by means of figures. On each vehicle for hire that has a meter affixed the amounts of fare shall be plainly visible to the passengers and, after sundown, shall be illuminated by a suitable light. Meters shall be maintained in good working condition by the owner of the vehicle for hire to which attached; the case of said meter shall be sealed, and the motor and gears thereof intact.

(H) An application for a license as required by this code shall be made in writing on a form prescribed by the City Clerk.

(1) The application shall be accompanied by a complete listing of all vehicles that will be operating in the City of Saginaw and shall include their license plate number, VIN number, vehicle description, and a copy of each vehicle's proof of vehicle registration.

(2) The application shall also be accompanied by a list detailing the name, residential address, valid chauffeur's license number, and date of birth of all drivers employed with the vehicle for hire company.

(3) A copy of the liability insurance shall be submitted with the items described in sections (H) 1 and 2 above, at time of application and annually with renewal.

(I) Information Changes. The applicant or licensee shall have a duty to notify the Office of the City Clerk of any changes in the information contained in an application within 30 days of the change.

§ 110.29 FOOD VENDORS.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FOOD. Any good or substance, solid or liquid, which is customarily edible; **FOOD** includes prepackaged food and non-prepackaged food.

FOOD VENDOR. A person who travels about from place to place and who sells or offers to sell food which accompanies the person. **FOOD VENDOR** includes each individual assistant to or supplier for another food vendor. **FOOD VENDOR** also includes a food vendor who operates from, in, or through a temporary food service establishment or a mobile restaurant.

MOBILE RESTAURANT. Any vehicle which is used to transport food for human consumption from a licensed establishment, commissary, catering kitchen, food processor, or other similar licensed food service to be served directly from said vehicle at locations such as factories, construction projects, or similar prearranged stations on private property.

NON-PREPACKAGED FOOD. Food which is not wrapped, packaged, or bottled pursuant to the laws of the state or the United States. **NON-PREPACKAGED FOOD** includes but is not limited to fruit and vegetables, hot dogs prepared on location, ice cream served on location in cups or cones, ices, soft drinks in cups, popcorn, and cotton candy and other confections.

PREPACKAGED FOOD. Food which is wrapped, packaged, or bottled pursuant to the laws of the state or the United States.

SUPPLIER. A person who knowingly provides or supplies a food vendor by oral or written contract or agreement or other understanding. A supplier does not include a person who has no knowledge or agreement that the food supplied to the food vendor is to be sold or offered for sale by the food vendor.

TEMPORARY FOOD SERVICE ESTABLISHMENT. Any establishment, mobile or fixed, where food is served or provided for the public on the premises or elsewhere which operates at a fixed location for a temporary period of time, not to exceed two (2) weeks, in connection with a carnival, circus, public exhibition, sidewalk sale, parade, art show, race, sporting event, festival, rodeo, horse or dog show, auction, or other similar events.

(B) A food vendor shall not be allowed to operate within the City limits of the City, unless the food vendor is in possession of and carries with them a valid license issued by the City. The provisions of § 110.24 shall not apply to such licenses.

(C) A license shall not be issued by the City Clerk unless the food vendor supplies the City Clerk with a copy of one (1) and all valid licenses or certificates required by the County of Saginaw or the State of Michigan or the United States pursuant to a state or federal statute or regulation.

(D) A food vendor shall not be licensed unless they are at least fourteen (14) years of age. Applicants under sixteen (16) years of age shall submit the written consent of a parent or guardian. An applicant for such license shall submit with the applications satisfactory proof that all suppliers furnishing the food vendor with a vehicle or equipment or goods for the food vendor shall also have a license under this section.

(E) No food vendor shall have an exclusive right to any location in the public streets except as provided in section (G); no food vendor shall be permitted to make a sale within fifty (50) feet of a street intersection, park on a public roadway except as provided in section (G), park on school property or private property without the consent of the owner or person in possession thereof or person responsible for permitting such parking; no food vendor shall enter a public park or public playground except as provided by section (G). A food vendor shall not be permitted to operate in any congested area where their operations might impede or inconvenience the public. For the purpose of this section, the judgement of a police officer exercising good faith shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

(F) A food vendor may sell or offer for sale any prepackaged foods as defined in section (A) above if the food vendor also is in compliance with all applicable state and federal laws and regulations.

(G) A temporary food establishment or a mobile restaurant may not park or locate on any public street, public roadway, public park, or any public property except with the permission of the Director of Public Services or their designee.

§ 110.30 POOL AND BILLIARD ROOMS.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

POOL AND BILLIARD ROOMS. Any place of business open to the public in which there are two (2) or more pool tables or billiard tables or in which tables or other facilities for playing cards are provided. Places of business having only one (1) pool or billiard table are regulated by section (E) hereof.

(B) No person shall engage in the business of operating a pool or billiard room without first obtaining the license therefor. Said license shall be in addition to any other license required for the establishment in which the pool and/or billiard tables are located. No such license shall be granted except upon certification of the applicable City Departments.

(C) No person shall be granted a license to operate a pool or billiard room unless the applicant has reached eighteen (18) years of age.

(D) No person shall keep open any premises licensed hereunder between the hours of 2:30 a.m. and 7:00 a.m. unless the business has been approved for an extended hours permit in conjunction with a State of Michigan liquor license.

(E) In any place of business in which there is located not more than one (1) pool or billiard table, the use of said table shall be limited to the same hours the establishment is regularly open for the conduct of its business.

§ 110.31 DANCING AND DANCE HALLS.

(A) *Special dance halls.*

(1) No person who has a license to sell alcoholic liquor shall permit dancing in or on the licensed premises without first obtaining a special dance hall license as provided in this code, which license shall also permit the licensee to conduct "floor shows." No such license shall be granted except upon certification of the Fire Chief and Police Chief or their designees.

(2) No Special Dance Hall License shall be issued until the application therefor has been approved by the Council.

(B) *Public dance halls; public dances.*

(1) The term **PUBLIC DANCE** shall include any dance to which admission may be gained by the general public but shall not include any dance to which admission is restricted to invited guests.

(2) No person, except a special dance hall licensee, shall conduct, operate, or maintain any place in or on which public dances are held without first obtaining a dance hall license in the manner provided in this code. No such license shall be granted except upon certification of the Fire Chief, Police Chief, and Chief Inspector or their designees.

(3) No person shall conduct any public dance without providing the services of a special police officer who shall enforce the provisions of this code for the duration of the dance.

§ 110.32 DANCING SCHOOLS.

No person shall teach dancing without first obtaining a dancing school license in the manner provided for in this code, which license shall designate the premises in which the school is to be conducted. No such license shall be granted except upon certification of the Police Chief and Fire Chief.

§ 110.33 THEATERS.

(A) The word **THEATER** as used in this code shall include any structure used primarily for entertainment on the stage or screen.

(B) No person shall conduct, maintain, or operate any theater without first obtaining a license therefor in the manner provided for in this code. No such license shall be granted except upon certification of the Fire Department.

(C) Except for non-profit community theaters and theaters already established, no license shall be issued unless the City Zoning Division shall first approve of the parking facilities available to the patrons of said theater. The minimum requirement of parking space shall be one (1) space to each four (4) seats contained in the theater, exclusive of parking facilities available on public streets or alleys.

(D) The scale of prices for admission to any theater shall be framed and hung at some conspicuous place at the entrance of said theater.

(E) (1) The words **OUTDOOR THEATER** as used in this code shall include any permitted outdoor entertainment not otherwise specifically licensed under this code including the exhibition of outdoor motion pictures.

(2) No person shall establish or maintain any outdoor theater without first obtaining a license from the City Clerk for each day said outdoor theater is to be conducted. No license shall be granted except upon certification of the Police Chief, Fire Chief, and the Building Inspector or their designees, who shall certify as to compliance with the zoning and building regulations.

§ 110.34 GENERAL BUSINESS LICENSE.

(A) *Purpose.* The purpose of this section shall be to generate general fund revenue to offset the cost of enforcing existing City ordinances and regulate business activity as it relates to zoning, permits, income tax, property tax and the like.

(B) *License required.* All persons who conduct, engage in, maintain, operate, carry on, or manage a business for which a license is not otherwise required under any other provisions of this code shall be required to obtain a general business license for said business. A separate license shall be required for each separate place of business. A business shall include but not be limited to: for profit businesses and not for profit businesses.

Exceptions: Churches
Public libraries
Schools (public, parochial and charter, K-12) Government offices or operations

(C) *Application.* An application for a license required by this code shall be made in writing on a form prescribed by the City Clerk. Each application shall contain any information as may be required to determine whether a license should be issued.

(D) *Issuance of license.* The City Clerk shall issue the license pursuant to the application if:

(1) The appropriate fees have been paid according to the table contained in this section.

(2) The Planning and Development Division has approved the use of said parcel for the requested use.

(3) There are no outstanding building code violations.

(4) There are no outstanding fire code violations.

(5) All current and past due fees and/or fines associated with the property or applicant have been paid or arrangements have been made to pay, including but not limited to:

- (a) Permit fees.
- (b) Zoning fees.
- (c) Water or sewer services.
- (d) Engineering fees.
- (e) False alarm fees.
- (f) Property tax (real and personal).
- (g) Income tax.

(E) *Term of license, renewal.* All licenses provided in this ordinance shall expire on September 15 following the date of issuance.

(F) *License fees.*

(1) General fee:

- (a) Business with a gross floor area of 0 - 2,500 square feet \$50.00
- (b) Business with a gross floor area in excess of 2,500 square feet and less than 10,000 square feet \$100.00
- (c) Business with a gross floor area in excess of 10,000 square feet \$150.00

(2) Late payment penalty. An additional late charge of fifty (50%) percent of the base fee shall be incurred as a result of the following:

- (a) Failure to obtain a business license within fifteen (15) days from the effective date of the ordinance or any applicable amendment;
- (b) Failure to obtain a business license within fifteen (15) days of commencement of a business; or
- (c) Failure to renew a business license by the license expiration.

(G) *Regulations.*

(1) No license shall be assigned, sold or transferred, nor shall any license authorize any person other than the applicant to conduct business under such license.

(2) The applicant or licensee shall have a duty to notify the City Clerk of any changes in the information contained in an application which is pending or which was the basis for the issuance of a license.

(3) All licenses shall be prominently displayed on the business premises at all times.

(4) No person shall add to, alter, deface, forge, or counterfeit any license, which has been issued by the City.

(5) All licensees shall comply with all applicable City, State, and Federal Laws.

(H) *Suspension and revocation.* In addition to any other penalty provided for in this code or other City ordinances, the City Clerk may suspend or revoke any license issued pursuant to this section for:

(1) Failure to comply with any provisions of this chapter and any applicable ordinances;

(2) Failure to allow required inspection.

The City Clerk shall notify the licensee that their license has been suspended or revoked and the reason for said suspension or revocation. Notification may be made by first class mail and shall state that the licensee has the right to appeal the suspension or revocation provided the appeal is made in writing to the City Clerk within ten (10) days of notification. Upon receipt of the written appeal the City Clerk shall proceed with scheduling an appeal hearing as provided for in divisions (I) and (J).

(I) *Notice of hearing.* Notice of the above described hearing shall be served on the licensee by first class mail and posting at the location of the licensed business not less than five (5) days before the date of said hearing.

(J) *Hearings.* The hearing shall be conducted by the Chief Inspector or his designee affording the licensee an opportunity to appear and defend the charges. The Chief Inspector shall make a final decision in writing, including the reasons for such decision and shall serve said decision on the licensee within ten (10) days after conclusion of the hearing.

(K) *Summary suspension.* Where the Chief Inspector presents to the City Manager sufficient evidence demonstrating probable cause to believe that the licensee has violated the provisions of this code or the laws of the United States or the State of Michigan, and that said violation will immediately threaten the public health, safety or welfare, the City Manager may, upon the issuance of a written order stating the reason for such conclusion and without prior notice or hearing, order the licensed premises closed and the license summarily suspended pending a public hearing and determination on suspension or revocation. Said hearing shall be commenced not more than seventeen (17) days following entry of such an order, unless the licensee shall agree to a longer period of time. Upon entry of an order of summary suspension, the licensee shall be served with a copy of the order and notice of violation and hearing in the manner provided in this section.

(L) *Penalties and remedies.* In addition to any other penalty or remedy provided for in this code, or other City ordinances, the City Clerk shall have the authority to take the following actions against any business which fails to obtain or renew a business license:

(1) Cause to be issued a Class C Civil Infraction Citation. A separate offense shall be deemed committed for each day that a violation occurs.

(2) Use whatever means necessary to cause said business to cease operations at its location, including, but not limited to, having persons vacate the premises, padlocking said premises or terminating water service to said premises, with reasonable costs charged to the business owner.

(M) *Severability.* The provisions of this section shall be interpreted so as not to be in conflict with the laws of the State of Michigan or any other limitations imposed by

law. In the event, however, that any section, provision, sentence, or clause of this section is declared unconstitutional by a court of competent jurisdiction, that determination will not affect the other remaining provisions of this section.

§ 110.98 VIOLATIONS.

Any person in violation of this chapter may be subject to one (1) or more of the following criminal or civil remedies:

(A) *Penalty.* Every person convicted of a violation of any provision of this chapter shall be punished as provided in § 110.99.

(B) *Revocation or suspension of license.* The license or permit is subject to revocation or suspension as set forth in greater specificity within this chapter.

(C) *Nuisance; injunction.* The City may be entitled to injunctive relief if the activity constitutes a public nuisance or nuisance per se.

§ 110.99 PENALTY.

A person who violates any provision of this chapter is responsible for a Class C municipal civil infraction, subject to payment of a civil fine as set forth in Chapter 37 of this Code, plus costs and other sanctions, for each infraction. Repeat offenses shall be subject to increased fines as provided by Chapter 37. Each violation and each day's failure to comply with any provision of the chapter shall constitute a separate violation.

APPENDIX: FEES

Section

1. License fees
2. Reimbursement fees or failure to comply
3. Fee to appeal

§ 1. LICENSE FEES.

License type:

License fee:

Alarm System Registration (one-time registration fee)	\$ 50.00
Boiler Operators, Stationary	50.00
Building Wrecker	101.00
Dance School	161.00
Dry Cleaning	115.00
Dry Cleaning Pick-up Station	70.00
Engineer, Stationary	50.00
Food Vendor, Individual	17.00
Gasoline Service Stations	124.00
House Mover (\$500.00 license bond required)	59.00
House Raiser (\$500.00 license bond required)	59.00
Mobile Restaurant	17.00
Outdoor Theater	82.00
Pawnbroker (\$3,000.00 license bond required)	500.00*
Peddler and Hawker	47.00
Pool and Billiard Rooms	215.00
Public Dance Hall	278.00
Scrap Material Dealers/Processors, operating yard, including truck	196.00
Secondhand Merchants (\$3,000.00 license bond required)	50.00*
Special Dance Hall	293.00
Temporary Food Service Establishment (fee per event)	17.00
Tent use: assembly/other purposes	
initial license (not to exceed 90 days)	
120 up to 500 sq. ft.	52.00
each additional 500 sq. ft. or major fraction thereof	12.00
renewal (not to exceed 90 days) 50% of fee for initial license	
Theater	154.00
Transient Merchant	25.00*
\$1,000.00 license bond required on certain items, see § 110.27(F)	
Vehicle for hire (per vehicle)	45.00

* Maximum fee allowed by state law.

§ 2. REIMBURSEMENT FEES OR FAILURE TO COMPLY.

As allowed per § 110.05 (A) (4) of this code.

Chief Inspector	\$100.00
Fire Department	40.00
Police Department	60.00

§ 3. FEE TO APPEAL.

Fee to Appeal	\$100.00
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Section 4. This ordinance shall become effective February 13, 2014.

Enacted: February 3, 2014.

Yeas:

Nays:

Absent:

Abstain:

Dennis D. Browning
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 February 3, 2014; 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: Timothy Morales, Interim City Manager
Subject: Establishing a Standing Study Committee And Endorsing The Review Of The Creation of Saginaw Central City Local Residential Historic District

Prepared by: Bill Ernat, Development of Community Services

Manager's Recommendation:

I recommend support for the Historic District Commission in their pursuit of creating the Saginaw Central City Local Residential Historic District. This resolution is the first step in their efforts to create this district.

Justification:

The Michigan State Housing Development Authority ("MSHDA") and the State Historic Preservation Office ("SHPO") commissioned ICF International to conduct a study in the Saginaw City Central Historic District as part of the Neighborhood Stabilization Program (NSP2). The study was completed to evaluate the District by determining the status of the buildings in the district, and whether or not any of the buildings could be demolished or rehabilitated as part of NSP2. MSHDA also requested that once the study was completed, the City would begin the process to create a local historic district. The purpose of creating a local historic district is to provide the historic district commission with design review authority to protect designated resources. A map of the proposed district is attached.

The creation of a local historic district is a nine step process, with the adoption of the resolution to approve the study being the first step in the process. This resolution will also satisfy step two by identifying a standing study committee for this and future districts. For your review, attached is an outline that identifies this process. It should be noted, that while this is the first step in the process, steps 3-5 have been completed by ICF International as part of their research for MSHDA. However, before this process can proceed further, the City Council must adopt this resolution to support the creation of the local historic district.

Should the City Council adopt the resolution to review the creation of a local historic district, notification to state and local boards and agencies will be issued. This will be followed by a public hearing, in which all the property owners within the proposed district will be notified by mail. Ultimately, the property owners will have to vote to approve the creation of the local historic district. After that occurs, the City Council will adopt an ordinance to create the district.

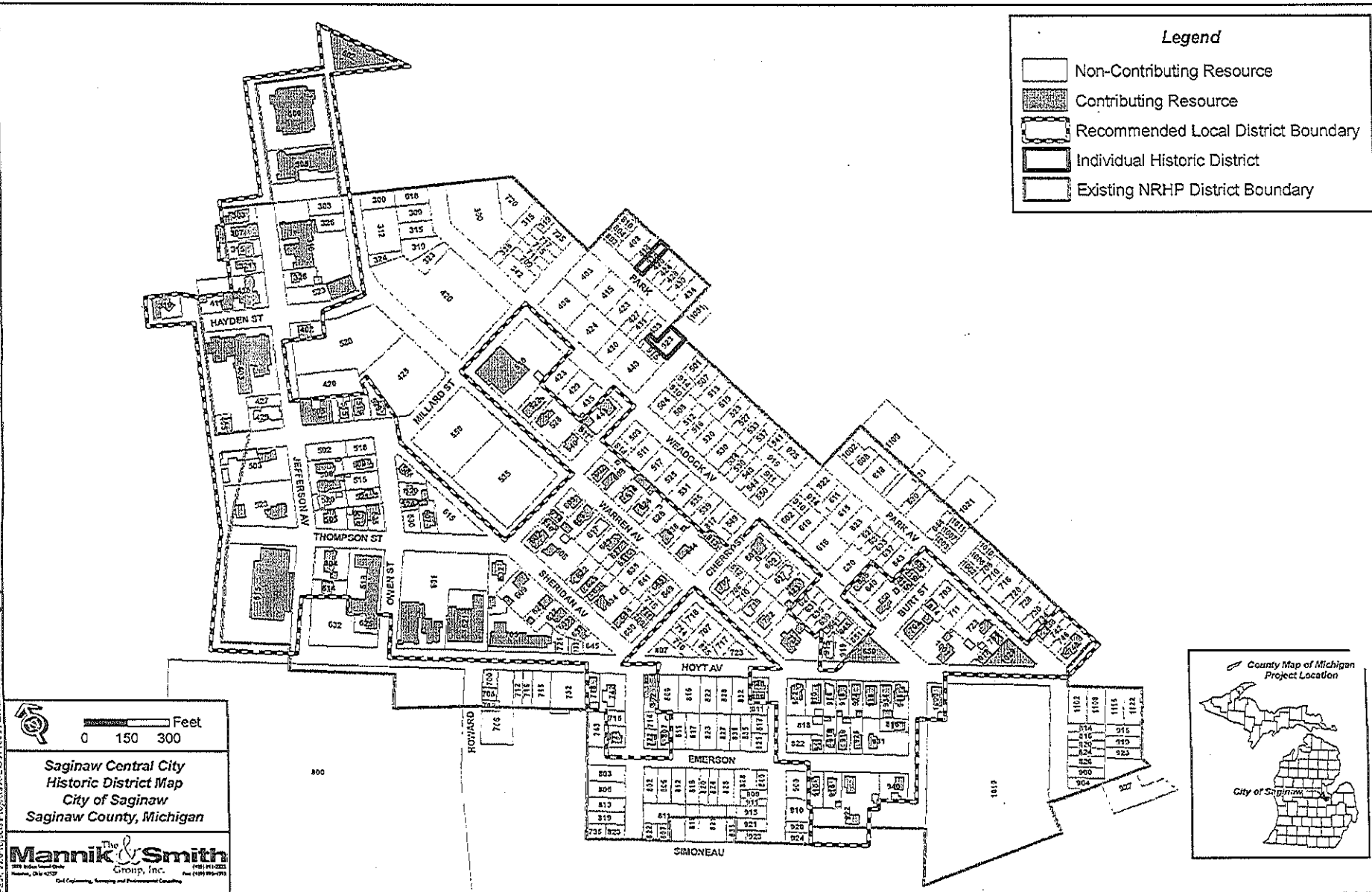
Adopting this resolution is the first step of many to create the local historic district, which will include public notices, public hearings, and a vote of support by the property owners of the proposed district.

Council Action:

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

PROCESS FOR ESTABLISHING A LOCAL HISTORIC DISTRICT

- I. Obtain resolution from local unit of government to conduct a historic district study
Achieved with this resolution.
- II. Appointment of a historic district study committee
Achieved with this resolution.
- III. Complete a historic resource survey: Photographic inventory and historic research
Completed by ICF International as part of NSP2.
- IV. Evaluate the resources in the proposed district
Completed by ICF International as part of NSP2.
- V. Prepare a preliminary historic district study committee report
Completed by ICF International as part of NSP2.
- VI. Transmittal and review of the preliminary study committee report
Copies of the document must be sent to: City Planning Commission, State Historic Preservation Office, the Michigan Historical Commission, and State Historic Preservation Review, which will be completed after the resolution has been adopted.
- VII. Public Hearing
Public hearing is held at least 60 days after the reports are submitted to the above agencies. Property owners within the district must be notified at least 14 days prior to the public hearing. Explanation of the historic district as well as the benefits and drawbacks of the district are explained.
- VIII. Prepare the final historic district study committee report and draft historic district ordinance
Within one year of the date of the public hearing, the historic study district committee shall prepare a final report that incorporates all the comments from the public and four agencies to which the report was officially transmitted.
- IX. Adoption of the historic district ordinance and appointment of the historic district commission
Not less than 60 days after a majority of the property owners within the proposed historic district, as listed on the tax rolls, have approved the establishment of the historic district pursuant to a written petition, the City Council shall pass an ordinance establishing a contiguous historic district.



**ESTABLISHING A STANDING STUDY COMMITTEE
AND ENDORSING THE REVIEW OF THE CREATION OF SAGINAW CENTRAL
CITY LOCAL RESIDENTIAL HISTORIC DISTRICT**

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

WHEREAS: the City of Saginaw has, within its boundaries, a number of historic districts and resources which reflect its cultural, social, economic, political, and architectural history; and there is great value in recognizing and preserving these resources for future generations; and

WHEREAS: designation of a local historic district is an important tool in preserving those resources by stabilizing and improving property values within the district, and fostering civic pride and beauty, strengthening the local economy and promoting the use of historic resources for the education, pleasure and welfare of the citizens of the City; and

WHEREAS: in accordance with Section 2507 of Ordinance No. 1418, "Zoning Code," and Sections 3 and 14 of Michigan Public Act 169 of 1970, "Local Historic Districts Act," the City Council has appointed a Historic District Study Committee to research and report on the proposed Saginaw Central City Local Residential Historic District; and

WHEREAS: the Historic District Study Committee for this and future proposed districts shall be: Kevin Rooker, William Ostash, Tom Mudd, Evelyn Mudd, and Jane Fitzpatrick; and

WHEREAS: the proposed district under study includes: Commencing at the intersection of the centerlines of Hoyt Avenue and South Baum Streets; Thence Northward along the centerline of South Baum Street to the intersection of the centerlines of South Baum Street and Hayden Street; Thence Westward to the intersection of said centerline and the west property line of 319 Hayden Street; Thence Northward to the north property line of 319 Hayden Street; Thence Eastward to the northeast corner of the property line of 411 Hayden Street; Thence Northward to the centerline of Janes Avenue; Thence Eastward to the intersection of the centerlines of Janes Avenue and South Jefferson Avenue; Thence Northward to the intersection of the centerlines of South Jefferson Avenue and Federal Avenue; Thence Eastward to the intersection of the centerlines of Federal Avenue and South Warren Avenue; Thence Northward to the intersection of the centerlines of South Warren Avenue and East Genesee Avenue; Thence Southeastward to the intersection of the centerline of East Genesee Avenue and the south property line of 602 East Genesee Avenue; Thence Westward to the intersection of 602 East Genesee Avenue and the centerline of South Warren Avenue; Thence Southward to the intersection of the centerlines of South Warren Avenue and Hayden Street; Thence Westward to the intersection of the centerline of Hayden Street and the east property line of 402 South Jefferson Avenue; Thence Southward to the intersection of the east property line of 402 South Jefferson Avenue and the south property line of 402 South Jefferson Avenue; Thence Westward to the intersection of South Jefferson Avenue; Thence Southward to the intersection of the centerline of South Jefferson Avenue and the north property line of 505 Millard Street; Thence Eastward to the east property line of 529 Millard Street; Thence Southward to the centerline of Millard Street; Thence Westward to the intersection of the centerlines of Millard Street and Sheridan Avenue; Thence Southward to the intersection of the centerlines of Sheridan Avenue and Thompson Street;

January 21, 2014

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Thence Eastward to the intersection of the centerlines of Thompson Street and South Warren Avenue; Thence Northward to the intersection of the centerlines of South Warren Avenue and Millard Street; Thence Eastward to the intersection of the centerlines of Millard Street and South Weadock Avenue; Thence Southward to the intersection of South Weadock Avenue and the north property line of 423 South Weadock Avenue; Thence Westward to the intersection of the north property line of 423 South Weadock Avenue and the west property lines of 423 South Weadock Avenue; Thence Southward to the north property line of 443 South Weadock Avenue; Thence Eastward to the centerline of South Weadock Avenue; Thence Southward to the intersection of the centerlines of South Weadock Avenue and Thompson Street; Thence Westward to the west property line of 814 Thompson Street; Thence Southward to the centerline of Cherry Street; Thence Eastward to the intersection of the centerlines of Cherry Street and South Weadock Avenue; Thence Southward to the south property line of 623 South Weadock Avenue; Thence Westward to the west property line of 627 South Weadock Avenue; Thence Southward to the centerline of Hoyt Avenue; Thence Southeastward to the north property line of 659 South Weadock Avenue; Thence Eastward to the centerline of South Weadock Avenue; Thence Northward Avenue to the north property line of 636 South Weadock Avenue; Thence Eastward to the east property line of 636 South Weadock Avenue; Thence Southward to the north property line of 915 Burt Street; Thence Eastward to the centerline of South Park Avenue; Thence Southward to the north property line of 738 Park Avenue; Thence Eastward along the north property line of 738 Park Avenue; Thence Southward to the centerline of Walnut Street; Thence Westward to the intersection of the centerlines of Walnut Street and Hoyt Avenue; Thence Northwestward to the east property line of 1000 Hoyt Avenue; Thence Southward to the south property line of 1000 Hoyt Avenue; Thence Westward to the centerline of South Weadock Avenue; Thence Southward to the south property line of 940 Emerson Street; Thence Westward to the east property line of 922 Emerson Street; Thence Southward to the centerline of Simoneau Street; Thence Westward to the west property line of 922 Emerson Street; Thence Northward along the west property lines of 922 Emerson Street and 910 Emerson Street; Thence Westward along the centerline of Emerson Street to the intersection of Emerson Street and Warren Avenue; Thence Northward to the northern property line of 811 South Warren Avenue; Thence Westward along the northern property line of 811 South Warren Avenue; Thence Northward to the centerline of Hoyt Avenue; Thence to the intersection of Hoyt Avenue and South Warren Avenue; Thence Northward to the intersection of South Warren Avenue and Cherry Street; Thence Westward to the intersection of Cherry Street and Hoyt Avenue; Thence Eastward to the west property line of 806 Hoyt Avenue; Thence Southward to the south property line of 806 Hoyt Avenue; Thence Eastward to the east property line of 807 Emerson Street; Thence Southward to the centerline of Emerson Street; Thence Westward to the west property line of 723 Sheridan Avenue; Thence Northward to the south property line of 742 Hoyt Avenue; Thence Westward to the west property line of 738 Hoyt Avenue; Thence Northward to the centerline of Hoyt Avenue; Thence Westward to the intersection of Hoyt Avenue and Owen Street; Thence Northward to the south property line of 518 Thompson Street; Thence Westward to the west property line of 518 Thompson Street; Thence Northward to the south property line of 614 South Jefferson Avenue; Thence Westward to the centerline of South Jefferson Avenue; Thence Southward to the intersection of South Jefferson Avenue and Hoyt Avenue; Thence Westward to the point of beginning; and

WHEREAS: the Study Committee has collected considerable evidence of the historic and architectural significance of the proposed district, which contains over 120 contributing properties to the Saginaw Central City Residential Historic District, which has been included on the National Register of Historic Places: and

WHEREAS: it is important for economic development activity to occur within the proposed district; but development activity that is insensitive to the historic character of the area and its resources may irreparably damage that character, contribute to a destabilization or decline in its property values and render it ineligible for status as a historic district;

NOW, THEREFORE, BE IT RESOLVED, in accordance with Section 14, Subsection 3 of Michigan Public Act 169 of 1970, "Local Historic District Acts" all applications for permits within the proposed historic district as described above be referred to the Historic District Commission as prescribed in Section 2504 of Ordinance No. D-1418, "Zoning Code," and in Sections 5 and 9 of Michigan Public Act 169 of 1970, "Local Historic Districts Act." The Commission shall review permit applications with the same powers that would apply if the proposed historic district was an established historic district. The review may continue in the proposed historic district for not more than one year from the date of this resolution, or until such time City Council approves or rejects the establishment of the historic district by ordinance, whichever comes first;

NOW, THEREFORE BE IT FURTHER RESOLVED, A standing Historic District Study Committee comprised of Kevin Rooker, William Ostash, Tom Mudd, Evelyn Mudd, and Jane Fitzpatrick is hereby appointed and charged with the responsibilities set forth herein.

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 January 21, 2014; 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

COUNCIL COMMUNICATION

R-2

From: Timothy Morales, Interim City Manager
Subject: Saginaw County Emergency Services Mutual Aid Agreement
Prepared by: Christopher Van Loo, Interim Fire Chief

Manager's Recommendation:

I recommend the approval of the Saginaw County Emergency Services Mutual Aid Agreement and authorize the City Manager or his designee to execute the agreement. The agreement has been approved by me for substance and the City Attorney as to form.

Justification:

The City of Saginaw Fire Department currently participates in and is a member of the Saginaw County Mutual Aid Pact for Fire Protection. The current pact was entered into in 1985 and has not been updated. The Saginaw County Fire Chief's Association, seeing the need to update the agreement, created a new agreement titled the "Saginaw County Emergency Services Mutual Aid Agreement". The intent and content of the agreement remain essentially the same. However, the language has been updated and procedures have been included for the recovery of funds and reimbursement of expenses for the communities providing mutual aid as warranted.

As fire departments throughout Saginaw County struggle with reduced resources, the Saginaw County Emergency Services Mutual Aid Agreement provides communities the opportunity to collaborate and support each other during emergency operations. The Saginaw Fire Department has both requested and provided mutual aid to neighboring communities. This agreement is in the best interest of the City of Saginaw and it provides the Saginaw Fire Department the best opportunity to provide the highest level of protection to the citizens of Saginaw with the resources available.

Council Action:

This Council Communication is for informational purposes of the resolution to be adopted.

APPROVING THE SAGINAW COUNTY EMERGENCY SERVICES MUTUAL AID AGREEMENT

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

WHEREAS: the City of Saginaw has the power, privilege and authority to maintain and operate a fire department which provides fire protection, fire suppression, technical rescue, hazardous incident response, and other emergency response services; and

WHEREAS: fire services will further be improved by mutual cooperation between participating communities within Saginaw County; and

WHEREAS: the City of Saginaw Fire Department desires to participate in mutual aid and assistance with participating communities as specified in the Saginaw County Emergency Services Mutual Aid Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Council for the City of Saginaw does hereby approve the Saginaw County Emergency Services Mutual Aid Agreement and authorizes the City Manager or his designee be authorized to execute this agreement on behalf of the City of Saginaw.

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 January 21, 2014; 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

CITY OF SAGINAW

Memo

To: Tim Morales, City Manager

From: Phillip J. Karwat, P.E., Director of Public Services

Date: January 15, 2014

Re: Councilmen Requests concerning Snow Removal - January 6, 2014

During the recent City Council meeting held Monday, January 6, 2014 City Council members Kloc and Ball offered comments related to the City's snow removal procedures. Councilman Kloc requested that the ordinance regarding snow removal be presented to the public to inform them of what the violations are; and Councilman Ball requested snowplowing of the bus routes. In response, the following information applies:

The City of Saginaw Streets Division performs snow removal and salting operations on an as needed basis. As part of the County-wide Emergency Plan, and during major winter weather events, snow removal is performed on primary routes including state highways, schools, emergency routes and hospitals first; followed by major streets, then local streets. Depending on weather conditions it is typical for primary routes to be cleared within 24-hours, and the local streets to be cleared within 72-hours after the snow has stopped falling. As a result of the snow storm that began on Sunday, January 5, 2014 all primary routes including major streets were cleared of snow by 5:00 pm on Monday, January 6, 2014; all local streets were cleared of snow by 9:00 pm on Wednesday, January 9, 2014 with the exception of three courts near Veteran's Memorial Parkway.

In response to Councilman Ball's request, we contacted Ms. Linda Rivera, Manager of Planning at STARS on Friday, January 10, 2014 to discuss concerns. Ms. Rivera did confirm some buses had to deviate from their routes because certain streets were not plowed, although a majority of those were local streets which are cleared after primary streets and majors. All local streets were cleared within 72-hours of the storm by Wednesday, January 9, 2014, and STARS has not received any complaints due to snow since that date. During discussions all defined bus routes throughout the City were obtained and we plan to label those routes on our Emergency Route map for future reference during major weather events, while still maintaining our current procedures for snow removal on primary, major and local streets.

In response to Councilman Kloc's request, attached you will find City Ordinance 96.02 *Snow and Ice Removal* which refers to responsibility such that *no person shall remove any snow or ice from any private property, and deposit the same in or upon any public property, including streets, sidewalks, crosswalks, drains, ditches and gutters.* Also City Ordinance 30.99 (D)(1) *General Penalty - Municipal Civil Infractions* which *sanctions a violation of ordinances as a civil fine plus any costs, damages or expenses.* Commencement of civil fines for violations, are set forth in Chapter 37 of the City's Code of Ordinances.

The recent snow storm dropped on average ten to thirteen inches of snow in the Saginaw area. Combined with the record low temperatures and ice build-up, the weather created very difficult conditions to work within and maintain. City crews worked hard to keep primary routes open and accessible as equipment and materials allowed, and during times of redirection from local streets back to primary routes when conditions worsened. As we go forward we will continue to provide updated information related to these concerns as the data becomes available.

Respectfully,
Phillip J. Karwat

Saginaw Code of Ordinances

**TITLE IX: GENERAL REGULATIONS / CHAPTER 96: STREETS AND SIDEWALKS
/ GENERAL PROVISIONS / § 96.02 SNOW AND ICE REMOVAL.**

§ 96.02 SNOW AND ICE REMOVAL.

No person shall remove any snow or ice from any private property, including any private driveway or private road, and deposit the same in or upon any public property, including streets, sidewalks, crosswalks, drains, ditches, and gutters.

('38 Gen'l Code, Ch. 5, § 202) (Am. Ord. D-315, passed 7-27-53, effective 8-6-53; Am. Ord. D-1729, passed 11-21-94, effective 12-1-94)

Saginaw Code of Ordinances

**TITLE III: ADMINISTRATION / CHAPTER 30: CODE INTERPRETATION;
GENERAL PROVISIONS / § 30.99 GENERAL PENALTY.**

§ 30.99 GENERAL PENALTY.

(A) *Generally.* Unless a violation of this code or any ordinance of the City is specifically designated in the code or ordinance as a municipal civil infraction, the violation shall be deemed to be a misdemeanor.

(B) *Misdemeanors.* The penalty for a misdemeanor violation shall be a fine not exceeding five hundred dollars (\$500.00), or imprisonment not exceeding ninety (90) days, or both, unless a specific penalty is otherwise provided for the violation of this code or any ordinance.

Addition and reorganization made per letter dated 11-28-00 regarding penalties, items # 2-4.

(C) *Motor vehicle code penalties.* The penalties provided by the Michigan Motor Vehicle Code are adopted by reference, provided however, that the City of Saginaw may not enforce any provision of the Motor Vehicle Code for which the maximum period of imprisonment is greater than ninety-three (93) days.

(D) *Municipal civil infractions.*

(1) The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by this code or any ordinance, plus any costs, damages, expenses and other sanctions, as authorized under MCL 600.8701 through 600.8735, as amended, and other applicable laws.

(2) Unless otherwise specifically provided for a particular municipal civil infraction violation by this code or any ordinance, the civil fines for violations are set forth in § Ch. 37.

(3) Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of this code or any ordinance. As used in this section, **REPEAT OFFENSE** means a second or any subsequent municipal civil infraction violation of the same requirement or provision (i) committed by a person within any six-month (6) period, unless some other period is specifically provided by this code or any ordinance and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by this code or any ordinance for a particular municipal civil infraction violation, the increased fines are set forth in Ch. 37 of this code.

(4) In addition to any remedies available at law, the City may bring an action

Saginaw Code of Ordinances

for an injunction or other process against a person to restrain, prevent, or abate any violation of this code or any ordinance.

(E) *Definition.* A **VIOLATION** includes any act which is prohibited or made or declared to be unlawful or an offense by this code or any ordinance; and any omission or failure to act where the act is required by this code or any ordinance.

(F) *Continuing violations.* Each day on which any violation of this code or any ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.

(38 Gen'l Code, Ch. 1, § 208) (Am. Ord. D-1086, passed 10-29-73, effective 11-8-73; Am. Ord. D-1776, passed 9-30-96, effective 11-11-96)

Cross-reference:

Incorporation of state violations, see § 31.01

Responsibility for violations, see § 31.02