

City of Port Huron, Michigan
ORD #23-005

An ordinance to amend Chapter 16, Community Development, of the Port Huron Code of Ordinances to create a Southside Neighborhood Improvement Authority.

THE CITY OF PORT HURON ORDAINS:

That Chapter 16, Community Development, of the Port Huron Code of Ordinances, is hereby amended to provide for the addition of Article V, to provide for the establishment of a Southside Neighborhood Improvement Authority including defining boundaries in accordance with Public Act 57 of 2018, as amended.

CHAPTER 16.
COMMUNITY DEVELOPMENT
ARTICLE V.
Southside Neighborhood Improvement Authority

Sec. 16-600. Establishment; purpose.

The City of Port Huron has determined that it is necessary and in the best interest of the public to promote residential and economic revitalization and growth in the Southside Community of Port Huron. Pursuant to the recodified Tax Increment Financing Act, Public Act 57 of 2018 (the “Act”), local units of government may establish certain tax increment finance authorities; to prescribe the powers and duties of the authorities; to correct and prevent deterioration in residential, commercial, and industrial areas and certain other areas; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans and development areas; to promote residential and economic growth; to create certain boards; to prescribe the powers and duties of certain boards; to authorize the issuance of bonds and other evidences of indebtedness; to levy certain taxes; to authorize the use of tax increment financing; etc. With this Authority, the City of Port Huron has selected to establish a neighborhood improvement authority, as defined by the Act, to be known as the Southside Neighborhood Improvement Authority.

Sec. 16-601. Powers and duties.

The Southside Neighborhood Improvement Authority is established pursuant to the Act, as amended, and, except as provided herein, shall have all the powers, duties and authority prescribed in the Act and subject to the City Council adopted Development and Tax Increment Financing Plans. Nothing herein shall be constructed to give the Southside Neighborhood Improvement Authority the power of condemnation or eminent domain.

Sec. 16-602. Created; membership; qualifications.

Pursuant to the provisions of and under the authority of Public Act 57 of 2018, as amended there is hereby created a Southside Neighborhood Improvement Authority, which shall be under the supervision and control of a Board, consisting of the Chief Executive Officer of the municipality or his or her designee, and 6 members appointed by the Mayor, subject to the approval of the City Council. A majority of the members shall be persons having an ownership or business interest in property located in

the development area, as hereinafter described. A majority of members must be residents of the district and may be owners or renters.

Sec. 16-603. Terms; vacancies.

Of the members first appointed, an equal number of the members, as near as is practicable, shall be appointed for 1 year, 2 years, and 3 years. A member shall hold office until the member's successor is appointed. After the initial appointment, each member shall serve for a term of 4 years. An appointment to fill a vacancy shall be made by the Mayor for the unexpired term only.

Sec. 16-604. Compensation.

Members of the Board shall serve without compensation but shall be reimbursed for actual and necessary expenses.

Sec. 16-605. Election of chairperson.

The chairperson of the Board shall be elected by the Board.

Sec. 16-606. Oath of office.

Before assuming the duties of office, a member shall qualify by taking and subscribing to the constitutional oath of office.

Sec. 16-607. Meetings.

The proceedings and rules of the Board are subject to the open meetings act, 1976 PA 267, MCL 15.261 et seq. The Board shall adopt rules governing its procedure and the holding of regular meetings, subject to the approval of the governing body. Special meetings may be held if called in the manner provided in the rules of the Board.

Sec. 16-608. Removal of board members for cause.

After having been given notice and an opportunity to be heard, a member of the Board may be removed for cause by the Port Huron City Council.

Sec. 16-609. Expenses and financial records.

All expense items of the authority shall be publicized monthly, and the financial records shall always be open to the public.

Sec. 16-610. Writings.

A writing prepared, owned, used, in the possession of, or retained by the Board in the performance of an official function is subject to the freedom of information act, 1976 PA 442, MCL 15. et seq.

Sec. 16-611. Duties and powers of the authority.

The Board shall possess all the powers granted to it by P.A. 57 of 2018, as amended, and shall perform any and all acts required of it.

Sec. 16-612. Budget; cost of handling and auditing funds.

- (a) A budget shall be submitted to the Board for the operation of the authority for each fiscal year before the beginning of the fiscal year. The budget shall be prepared in the manner and contain the information required of other City departments. After review by the Board, the budget shall be submitted to the Port Huron City Council. The Port Huron City Council shall approve the budget before the Board may adopt the budget. Unless authorized by the Port Huron City

Council or by P.A. 57 of 2018, as amended, funds of the municipality shall not be included in the budget of the authority.

- (b) The Port Huron City Council shall assess a reasonable pro rata share of the funds for the cost of handling, accounting, and auditing the funds against the funds of the authority, other than those committed, which shall be paid annually by the Board pursuant to an appropriate item in its budget.

Sec. 16-613. Boundaries of the development area.

Part of fractional sections 15, 21, and 22, of town 06 north, range 17 east, City of Port Huron, St. Clair County, Michigan and being more particularly described as:

Beginning at the southwest corner of said fractional section 21; thence north along the west line of section 21, being also the centerline of 32nd Street to intersection of the centerline of Goulden Street; thence east along said centerline of Goulden Street to the intersection of 28th Street; thence north along said centerline of 28th Street to a point on the east-west 1/4 line of section 21, being also the centerline of Moak Street; thence west along said east-west 1/4 line and centerline of Moak Street to the west 1/4 corner of section 21, said point being on the centerline of 32nd Street; thence north along the west line of section 21, being also the centerline of 32nd Street to the intersection of the centerline of Nern Street; thence east along said centerline of Nern Street to the intersection of the centerline of 28th Street; thence north along said centerline of 28th Street to the intersection of the centerline of Cleveland Avenue; thence east along said centerline of Cleveland Avenue to the intersection of the centerline of 26th Street; thence north along said centerline of 26th Street to the north line of section 21, being also the centerline of Dove Street; thence east along said north section line and the centerline of Dove to the north 1/4 corner of section 21, said corner being on the centerline of 24th Street; thence south along the north-south 1/4 line, being also the centerline of 24th Street to the centerline of Cleveland Avenue; thence east along said center of Cleveland Avenue to the intersection with the northeast line of lot E of Assessor's Military Street Plat No. 3 as recorded in Liber 44 of Plats, page 8; thence southeast along said northeast line of Lot E and its extension to the centerline of Electric Avenue; thence northeast along said centerline of Electric Avenue to the east line of section 21 and the west line of section 22, being also the centerline of 16th Street; thence north along said section line and the centerline of 16th Street to the section corner common to sections 15, 16, 21, and 22; thence north along the section line common to sections 15 and 16, being also the centerline of 16th Street to the extension of the line common to the north line of Assessor's Military St. Plat No. 2 as recorded in Liber 30 of Plats, page 10 and the south line of Assessor's Beard St. Plat as recorded in Liber 43 of Plats, page 9; thence east along said line to the centerline of 12th Street; thence south along said centerline of 12th Street to the intersection with the centerline of Vanderburg Place; thence east and southeast along said centerline of Vanderburg Place to the centerline of Military Street; thence northeast along said centerline of Military Street to the intersection of the northeast line of Lot 53 extended northwesterly of Assessor's Military St. Plat No. 2 as recorded in Liber 30, page 10; thence southeast along said northeast line of Lot 53 and its extension to the Water's Edge of the St. Clair River; thence southwesterly along said Water's Edge of the St. Clair River to the south line of section 21; thence west along said south line of section 21, being in part along the centerline of Ravenswood Road to the point of beginning.

Sec. 16-614. Dissolution of the authority; property and assets.

An authority that has completed the purposes for which it was organized shall be dissolved by ordinance of the Port Huron City Council. Property and assets of the authority remaining after the satisfaction of the obligations of the authority belong to the City of Port Huron.

Sec. 16-614. Severability.

The various parts, sections and clauses of the Ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a Court of competent jurisdiction, the remainder of the ordinance shall not be affected.

Sec. 16-615. Effective date.

This Ordinance shall be effective on the day of publication, but not less than five (5) days after its passage.

ADOPTED: October 9, 2023
PUBLISHED: October 13, 2023
EFFECTIVE: October 24, 2023

RESULT:	2ND READING/ENACTED [UNANIMOUS]
MOVER:	Sherry L. Archibald, Mayor Pro-Tem
SECONDER:	Robert L. Mosurak, Councilmember
YES:	Repp, Archibald, Ashford, Haremza, Lamb, Mosurak, Pemberton

I, Pauline M. Repp, Mayor of the City of Port Huron, do hereby certify that ORD #23-005 was passed and adopted by the Port Huron City Council at its meeting held on Monday, October 9, 2023.

Mayor *Date*

I, Cyndee M. Jonseck, City Clerk of the City of Port Huron, do further certify that ORD #23-005 was published Friday, October 13, 2023, in the Times Herald, a newspaper circulated in the City of Port Huron, being the first and final day of publication.

Cyndee M. Jonseck, CMC, MiPMC
City Clerk