

**CITY OF ST CLAIR, MICHIGAN  
REGULAR COUNCIL MEETING MINUTES  
MONDAY, MARCH 19, 2018- 7:00 P.M.**

**Meeting Called to Order** at 7:00pm by Mayor Cedar in the Council Chambers of the Municipal Building, 547 N. Carney Drive, St. Clair, Michigan.

**PLEDGE OF ALLEGIANCE**

PRESENT: Mayor Cedar, Members Ellery, Kindsvater, Klieman, Kuffa, LaPorte, McCartney  
ABSENT: None  
ADMINISTRATION: Mike Booth, City Superintendent; Delos Boulier, Building Inspector; James T. Downey, Kane, Clemons, Joachim & Downey; Timothy Raker, Police Chief; Dave Shorkey, Code Enforcement Officer; Annette Sturdy, City Clerk.  
AUDIENCE: There were 23 people in attendance.

**CONSENT AGENDA** – Kuffa moved, LaPorte seconded, CARRIED, to approve Consent Agenda item A. as presented.

A. City Council Minutes of March 5, 2018 Regular Meeting: Approved

**ORDINANCES AND RESOLUTIONS**

Ordinance Introduction (2018-02)- **AN ORDINANCE OF THE CITY OF ST. CLAIR, ST. CLAIR COUNTY, MICHIGAN TO AMEND APPENDIX B OF THE CODE OF ORDINANCES, “ZONING,” ARTICLE 2, “DEFINITIONS,” SECTION 2.1, “PURPOSE.”**THE CITY OF ST. CLAIR ORDAINS:  
SECTION 1. AMENDMENT. Appendix B, Article 2, Section 2.1 of the City’s Code of Ordinances, the Zoning Ordinance, is hereby amended by adding the following definitions:  
ARTICLE 2. – DEFINITIONS. SECTION 2.1. – Purpose. *Assisted Living Community*: Designed for seniors needing assistance with daily living activities (bathing, eating, dressing, toilet, transfer in/out of bed, etc.), but do not require continuous skilled nursing care. Beds can be offered in a separate wing, separate floor, or separate building and have state licensure requirements for the delivery of assisted living services. *Memory Care Center*: Designed for residents with significant cognitive impairment as a result of having Alzheimer’s disease or related dementia. The State of Michigan licenses this type of facility. *Senior Apartments*: Market-rate unit in age-restricted communities where at least 80% of the residents are age 55 or older. Although optional meal plans may be offered at these senior apartments, the base monthly fee does not include meals in a common dining facility. *Senior Independent Living Community*: Designed for seniors who pay for some services (e.g., meals, housekeeping, and transportation) as part of a monthly fee or rental rate, and who require little or no assistance with Activities of Daily Living. Independent living units do not need to be licensed for health care, although residents may receive home health care services provided to them by either an outside agency or by a licensed affiliate of the property management. The community must contain a common dining facility that provides at least one daily meal as part of the monthly fee. *Skilled Nursing Center*: Facility licensed by the State of Michigan to provide 24 hour medical care not included as a Memory Care Center; and deleting the definition of *Convalescent or Nursing Home*.

LaPorte moved, McCartney seconded, CARRIED, to introduce Ordinance (2018-02) as presented.  
Ayes: McCartney, Ellery, Kindsvater, Klieman, Kuffa, LaPorte, Cedar  
Nays: None

ORDINANCE INTRODUCED

**Ordinance Introduction (2018-03)- AN ORDINANCE OF THE CITY OF ST. CLAIR, ST. CLAIR COUNTY, MICHIGAN TO AMEND APPENDIX B OF THE CODE OF ORDINANCES, "ZONING," ARTICLE 4, "ZONING DISTRICT REGULATIONS," SECTION 4.5, "SCHEDULE OF USE REGULATIONS," SUBSECTION 3, "R-3—MULTIPLE FAMILY RESIDENTIAL," BY ADDING PERMITTED USES, REVISING SPECIAL USES, AND ADJUSTING DIMENSIONAL STANDARDS. THE CITY OF ST. CLAIR ORDAINS: SECTION 1. AMENDMENT.**

Appendix B, Article 4, Section 4.5.3 of the City's Code of Ordinances, the Zoning Ordinance, is hereby amended in the following manner:

**ARTICLE 4. – ZONING DISTRICT REGULATIONS.**

**SECTION 4.5.3 – Schedule of Use Regulations. R-3—Multiple Family Residential.**

By adding to *Permitted Uses*:

- Section 4.5.3.6 Senior Apartments
- Section 4.5.3.7 Senior Independent Living Community
- Section 4.5.3.8 Assisted Living Community

By revising *Special Uses*:

- Section 4.5.3.2 Skilled Nursing Center and Memory Care Center

By adjusting dimensional standards:

Section 4.5.3.2.a A minimum lot area equal to two thousand (2,000) square feet per bed, but in no case less than three (3) acres.

- Section 4.5.3.2.c Minimum setbacks from any property line:
- Front Yard: 25 feet
  - Side Yard: 20 feet
  - Side Yard (total of two): 50 feet
  - Rear Yard: 20 feet

McCartney moved, Kindsvater seconded, CARRIED, to introduce Ordinance (2018-03) as presented.

Ayes: Ellery, Kindsvater, Klieman, Kuffa, LaPorte, McCartney, Cedar

Nays: None

ORDINANCE INTRODUCED

**Ordinance Introduction (2018-04)- AN ORDINANCE OF THE CITY OF ST. CLAIR, ST. CLAIR COUNTY, MICHIGAN TO AMEND APPENDIX B OF THE CODE OF ORDINANCES, "ZONING," ARTICLE 5, "GENERAL PROVISIONS," SECTION 5.9, "LANDSCAPE DESIGN STANDARDS," BY ADDING SUBSECTION 4 "UNDERGROUND IRRIGATION" AND ADDING SECTION 5.37 "GENERATOR AND AIR CONDITIONING UNITS" AND SECTION 5.38 "MULTIPLE-FAMILY DESIGN STANDARDS." THE CITY OF ST. CLAIR ORDAINS: SECTION 1.AMENDMENT.**

Appendix B, Article 5, Section 5.9 of the City's Code of Ordinances, the Zoning Ordinance, is hereby amended by adding Subsection 5.9.4 "Underground Irrigation" and Article 5 is further amended by adding Section 5.37 "Generator and Air Conditioning Units" and Section 5.38 "Multiple-Family Design Standards" in the following manner:

**ARTICLE 5. – GENERAL PROVISIONS.**

**SECTION 5.9.4 – Landscape Design Standards. Underground Irrigation.**

Areas of a site not hard-surfaced shall be irrigated by an automatic system at a frequency to maintain tree, shrub, and plant health.

**SECTION 5.37 – Generator and Air Conditioning Units.**

A. Permanent location. The generator must be permanently located on a concrete slab or prefabricated equivalent or as otherwise regulated by the City's Building, Electrical and Mechanical Codes.

B.Enclosure; production of sounds; service doors; exhaust gases.

1.The unit and muffler must be enclosed within a sound attenuated cabinet unless the unit itself is designed with sound attenuated elements. The enclosure service doors on the cabinet

must be locked to prevent access by unauthorized persons.

2.Sound produced at full load is to be less than 75 dBA at the property line.

3.Sound produced at test and quiet load is to be less than 70 dBA at the property line. A test shall occur not more than one (1) time per week and between the hours of 9 a.m. and 6 p.m. Monday through Friday.

4.Any and all exhaust gases must be in compliance with any applicable emission regulations.

C. Design standards.

1.Air conditioning unit(s) and generators shall be considered a permitted use when located in the rear yard and the preferred location. However, if no suitable rear yard location is available, the Building Department may permit the air conditioning unit(s) and/or generator(s) to be placed in the side yard, as rearward as practical Applicable requirements, as follows, shall be met for any installation.

2.If placed within the side yard, the following shall apply:

a. The unit(s) shall be located no closer than five (5) feet from a property line. The Building Department may grant an exception based on proof of a physical hindrance such as existing utility lines or exterior equipment.

b.The unit shall not be permitted to be placed directly across from a bedroom on the first floor of the neighboring residence.

D. Air conditioning unit(s) and generator(s) shall be enclosed with a sound attenuating cabinet as approved by the Building Department.

SECTION 5.38 – Multiple-Family Design Standards

A. Buildings shall generally relate in architectural design to surrounding buildings, improve the visual quality and support property values of the surrounding neighborhood. The following exterior design features are important to establish this relationship.

1. Provide brick or stone on exterior walls, minimally around the first floor story.

2. Use porches or other features, such as cornice lines, on buildings.

3. Reflect architectural styles and details, design themes, building materials and colors consistent with surrounding buildings.

B. Buildings shall avoid long, monotonous, uninterrupted walls or roof planes. Building wall and roofline offsets, including projections and recesses shall be used.

C. Uninterrupted building walls greater than 25 feet are prohibited.

D. Gable and hipped roofs shall provide overhanging eaves on all sides. Mansard roofs on a one-story building and flat roofs are prohibited.

E. Dormers, belvederes, masonry chimneys and other similar elements, are encouraged to add visual interest to the roofline.

F. Entrances to buildings shall be defined by architectural elements, such as lintels, pediments, columns, porches, overhangs, railings, balustrades, etc., where appropriate.

Attorney Downey recommended the Ordinance be introduced with a correction to Section 5.37 (c)(2) to state units shall be located no closer than 5 feet from the property line instead of the original verbiage of “The unit(s) shall be located a minimum five (5) feet of a property line” because the intention is to have them set back at least 5 feet from the property line.

McCartney moved, Ellery seconded, CARRIED, to introduce Ordinance (2018-04) with the correction in Section 5.37 as indicated above.

Ayes: Kindsvater, Klieman, Kuffa, LaPorte, McCartney, Ellery, Cedar

Nays: None

ORDINANCE INTRODUCED

**Ordinance Introduction (2018-05)- AN ORDINANCE OF THE CITY OF ST. CLAIR, ST. CLAIR COUNTY, MICHIGAN TO AMEND APPENDIX B OF THE CODE OF ORDINANCES, “ZONING,” ARTICLE 7, “OFF-STREET PARKING AND LOADING,” SECTION 7.2, “TABLE OF OFF-STREET PARKING REQUIREMENTS,” SUBSECTION 1, “RESIDENTIAL,” AND SUBSECTION**

## 2, "INSTITUTIONAL" BY CHANGING AND ADDING NAMES AND PARKING RATIOS.

THE CITY OF ST. CLAIR ORDAINS: SECTION 1. AMENDMENT.

Appendix B, Article 7, Section 7.2 of the City's Code of Ordinances, the Zoning Ordinance, is hereby amended in the following manner:

ARTICLE 7. – OFF-STREET PARKING AND LOADING.

SECTION 7.2.1 – Table of Off-Street Parking Requirements. Residential.

By revising Section 7.2.1.c to read:

Senior Apartments and Senior Independent Living Community/1.5 parking spaces per unit

By adding 7.2.1.f:

Assisted Living Community/0.5 parking spaces per unit, plus one (1) space per on-duty employee, plus one (1) space per five (5) units.

SECTION 7.2.2 – Table of Off-Street Parking and Loading. Institutional.

By revising Section 7.2.2.d to change the name to read:

Skilled Nursing and Memory-Care Center.

McCartney moved, Kuffa seconded, CARRIED, to introduce Ordinance (2018-05) as presented.

Ayes: Klieman, Kuffa, LaPorte, McCartney, Ellery, Kindsvater, Cedar

Nays: None

ORDINANCE INTRODUCED

Ordinance Introduction (2018-06)- AN ORDINANCE OF THE CITY OF ST. CLAIR, ST. CLAIR COUNTY, MICHIGAN TO AMEND APPENDIX B OF THE CODE OF ORDINANCES, "ZONING," ARTICLE 8B, "DOWNTOWN DEVELOPMENT DISTRICT," SECTION 8.32, "SIGNS," SUBSECTION 1, "SCHEDULE OF SIGN REGULATIONS: MAXIMUM AREA PERMITTED," BY CHANGING STANDARDS IN BOTH THE RIVERSIDE/CLINTON AVENUE AND GASLIGHT SUBDISTRICT SIGN SCHEDULES. THE CITY OF ST. CLAIR ORDAINS: SECTION 1. AMENDMENT.

Appendix B, Article 8B, Section 8.32 of the City's Code of Ordinances, the Zoning Ordinance, is hereby amended in the following manner:

ARTICLE 8B. – DOWNTOWN DEVELOPMENT DISTRICT.

SECTION 8.32.1 – Schedule of Sign Regulations: Maximum Area Permitted

By deleting the following standards from both the Riverside/Clinton Avenue and Gaslight subdistrict sign schedules:

Under the Standard entitled "Maximum Sign Height" and the Column entitled "Wall," the requirement "*Two (2) feet;*" and

Under the Standard entitled "Additional Criteria" and the Column entitled "Wall," the requirement "*All lettering or graphics must project a minimum three-eighths inches (3/8") from the sign surface.*"

Councilmember LaPorte recommended to modify the amendment to eliminate Section 8.33.6 from consideration. The original verbiage would terminate Council as the Zoning Board of Appeals for the Downtown Redevelopment District.

LaPorte moved, Kuffa seconded, CARRIED, to introduce Ordinance (2018-06) with the deletion of Section 8.33.6.

Ayes: Kuffa, LaPorte, McCartney, Ellery, Kindsvater, Klieman, Cedar

Nays: None

ORDINANCE INTRODUCED

## REPORTS FROM ADMINISTRATION

**City Superintendent** – City offices closed Friday, March 30, 2018. The 2017 financial audit will be filed with the state next week. Council should expect the first draft of budget amendments at the first meeting in May.

**City Attorney- None**

**City Departments** – There will be 2 elections this year: the state Primary election Tuesday, August 7, 2018 and the state General Election Tuesday, November 6, 2018. Nominating petition packets for councilmember or Mayor are available from the City Clerk’s office. Deadline for submission is Tuesday, April 24<sup>th</sup> by 4:00pm. Also, applications are always being accepted for Election Inspectors. Applications are available on the city website or at city hall. The entire county received new election equipment funded through the State so there will be ongoing training leading up to the elections.

**Authority, Board, Commission, Committee Chairman or Council Representative – None**

**UNFINISHED BUSINESS – None**

## **NEW BUSINESS**

### Approve St. Clair Inn Preliminary Site Plan-

McCartney moved, Kindsvater seconded, CARRIED, to approve the St. Clair Inn preliminary Site plan contingent on the 7 bullet points listed in the Planning Commission approval.

Ayes: LaPorte, McCartney, Ellery, Kindsvater, Klieman, Kuffa, Cedar

Nays: None

Approve variance request Section 8.32-Temporary Signs-Ace Hardware-The applicant is requesting 1-3 flag wind sails within the Downtown Redevelopment District. Dave Shorkey, Code Enforcement Officer, stated there has been one other request that included 4 flag wind sails in that in the same area. That business’s variance request was approved with an annual review. Per the Zoning Board of Appeals variance review that was distributed to council, banners are defined per Article 8b, Section 8.32.D and wind sails fit that criteria. Council discussed the number of banners necessary for sufficient advertising. Delos Boulier, Building Inspector, stated the building department already has the authority to grant a temporary permit of 14 days within a 6-month period and Council is being asked to approve a longer time period. The discussion opened up several points that needed clarification including Council vs. Building Departments authority on this topic, the definition of wind sails and what is an adequate amount of time to extend temporary banner permits.

McCartney moved, Kuffa seconded, to approve 2 banners (2 Flag wind sails) only on the West side of the Plaza property (along M-29) for a temporary permit of 14 days within 6 months.

Member Kuffa questioned the necessity of the request to be in front of council if the Building Department already has authority to grant it a temporary sign permit. Mr. Boulier explained council needs to act on the number of banners being requested and the time frame of the permit outside of the 14 days within 6 months.

McCartney withdrawal his motion. Kuffa withdrew his support.

McCartney moved, Ellery seconded, CARRIED, to table ‘Approve variance request Section 8.32-Temporary Signs-Ace Hardware’ agenda item again.

Ayes: McCartney, Ellery, Kindsvater, Klieman, Kuffa, LaPorte, Cedar

Nays: None

McCartney moved, Kuffa seconded, CARRIED, to defer the entire sign ordinance which defines this issue back to Planning.

Review Temporary Sign Permit-War Water Brewery- No action taken.

Approve special event permit for Nationals Soccer Club 5K fundraiser- Council received a memorandum from Police Chief Raker requesting that Council approve a special event permit for Nationals Soccer Team to hold a 5k Fundraiser on Saturday, June 9, 2018. The applicant has complied with the necessary requirements of the Special Events Ordinance and issuance of the

permit is respectfully recommended.

Kindsvater moved, Kuffa seconded, CARRIED, to approve the special event permit as presented.

**CLAIMS AND ACCOUNTS** – March 9 & March 15, 2018

Check registers listing the bills for the period ending March 9, 2018 (check numbers 45221-45276) in the amount of \$99,471.13 and March 15, 2018 (check numbers 45277-45309) in the amount of \$42,532.52 were presented for Council review.

LaPorte moved, Kuffa seconded, CARRIED (Klieman=Nay), to approve payments of March 9 and March 15, 2018 Claims and Accounts as presented.

**PUBLIC QUESTIONS AND COMMENTS** – Patrick Coughlin provided a definition for ‘wind sail’ as a ‘vertical banner’.

**MAYOR AND COUNCILMEMBER COMMENTS AND ANNOUNCEMENTS** – None.

**ADJOURNMENT** at 7:33pm

Annette Sturdy, City Clerk

Bill Cedar, Jr., Mayor