

**CITY OF ST CLAIR, MICHIGAN
REGULAR COUNCIL MEETING MINUTES
MONDAY, APRIL 2, 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; James T. Downey, Kane, Clemons, Joachim & Downey; Timothy Raker, Police Chief; Jessica Gilroy, Administrative Assistant.

AUDIENCE: There were 8 people in attendance.

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

A. City Council Minutes of March 19, 2018 Special and Regular Meetings: Approved

ORDINANCES AND RESOLUTIONS

Ordinance Adoption (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 adopt Ordinance 2018-02 as presented.

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

Nays: None

ORDINANCE ADOPTED

Ordinance Adoption (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

Kindsvater moved, Kuffa seconded, CARRIED, to adopt Ordinance 2018-03 as presented.

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

Nays: None

ORDINANCE ADOPTED

Ordinance Adoption (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.

Kindsvater moved, LaPorte seconded, CARRIED, to adopt Ordinance 2018-04 as presented.

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

Nays: None

ORDINANCE ADOPTED

Ordinance Adoption (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 and 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

Kindsvater moved, Kuffa seconded, CARRIED, to adopt Ordinance 2018-05 as presented.
Ayes: Kuffa, LaPorte, McCartney, Ellery, Kindsvater, Klieman, Cedar
Nays: None

ORDINANCE ADOPTED

Ordinance Adoption (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.*”

Kindsvater moved, Kuffa seconded, CARRIED, to adopt Ordinance 2018-06 as presented.
Ayes: LaPorte, McCartney, Ellery, Kindsvater, Klieman, Kuffa, Cedar
Nays: None

ORDINANCE ADOPTED

REPORTS FROM ADMINISTRATION

City Superintendent – Upcoming road maintenance includes reconstruction of the Range/Carney intersection that will be funded by the Major Street Fund. A utility project of Sewer and Storm work, funded by the Waste Water fund, needs to be completed prior to maintenance on the 2018-19 slated local roads of 3rd Street from Brown to Vine, Henry, Thornapple & S.11th street. The recent announcement of \$175 million of additional road funding from the State of Michigan, once allocated to all municipalities, allots to just under \$40,000 to the city of St. Clair. DPW will begin grading and gravel replacement of city dirt roads.

City Attorney- Attorney Downey reiterated current Ordinance verbiage that candidates for councilmember are not required to live in the Ward they run in, however must get signatures from that Ward.

City Departments – None

Authority, Board, Commission, Committee Chairman or Council Representative – Council member Ellery extended sympathy to friends and family of local maritime artist, Jim Clary.

UNFINISHED BUSINESS – None

NEW BUSINESS

Approve lease of Industrial Park Property-

McCartney moved, Kuffa seconded, CARRIED, to approve lease noting typographical error of 2018

instead of 2019.

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

Nays: Klieman

CLAIMS AND ACCOUNTS – March 23 & March 29, 2018

Check registers listing the bills for the period ending March 23, 2018 (check numbers 45310->45346) in the amount of \$219,785.99 and March 29, 2018 (check numbers 45347->45385) in the amount of \$85,583.20 were presented for Council review.

LaPorte moved, Kindsvater seconded, CARRIED, to approve payments of March 23 and March 29, 2018 Claims and Accounts as presented.

PUBLIC QUESTIONS AND COMMENTS – None

MAYOR AND COUNCILMEMBER COMMENTS AND ANNOUNCEMENTS – Mayor extended sympathy to family and friends of local maritime artist, Jim Clary.

ADJOURNMENT at 7:20pm

Jessica Gilroy, Administrative Assistant

Bill Cedar, Jr., Mayor