

**CITY OF ST CLAIR, MICHIGAN
REGULAR COUNCIL MEETING MINUTES
MONDAY, FEBRUARY 4, 2019- 7:00 P.M.**

Meeting Called to Order at 7:00pm by Mayor Cedar in the meeting room of Pine Shores Golf Course, 515 Fred W. Moore Highway, St. Clair, Michigan.

PLEDGE OF ALLEGIANCE was recited.

PRESENT: Mayor Cedar, Members Ellery, Kindsvater, Kuffa, LaPorte, McCartney, Watt

ABSENT: None

ADMINISTRATION: Michael E. Booth, City Superintendent; Delos Boulier, Building Inspector;
Annette Sturdy, City Clerk.

AUDIENCE: There were 20 people in attendance.

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

A. City Council Minutes of January 21, 2019 Regular and Closed Meetings: Approved

PRESENTATIONS

Winter White Out's 2019 Bootlegger Balladeer and Poet Laureate- Dan Lockwood stated this is the 11th year of the DDA sponsored songwriting and poetry contest. The Professionals are Arriving legend was the inspiration for this year's contest and Mr. Lockwood shared the legend.

Arthur Smith recited his poem, The Bad Guys Arrive, and was proclaimed as St. Clair's 2019 Poet Laureate.

Mark Donnellon performed his song, The St. Clair Bootlegging Trade, and was proclaimed as St. Clair's 2019 Bootlegger Balladeer.

Next year's event is January 22, 2020. Thank you, Dan and the entire committee, for this unique event.

ORDINANCES AND RESOLUTIONS

Ordinance Introduction 2019-01 Fireworks- CITY OF ST. CLAIR COUNTY OF ST. CLAIR, MICHIGAN AN ORDINANCE OF THE CITY OF ST. CLAIR, ST. CLAIR COUNTY, MICHIGAN TO AMEND CHAPTER 30 "FIRE PREVENTION AND PROTECTION," TO THE EXTENT PERMITTED BY THE MICHIGAN FIREWORKS SAFETY ACT, MCL SECTION 28.451 ET SEQ., AS AMENDED BY PUBLIC ACTS 634, 635 AND 636 OF 2018, BY ADDING ARTICLE V "FIREWORKS" TO REPLACE AND REPEAL SECTION 30-10 ET SEQ. THE CITY OF ST. CLAIR ORDAINS:SECTION 1. AMENDMENT. Chapter 30 is amended to replace and repeal Section 30-10 et seq. by adding Article V "Fireworks" to read as follows:ARTICLE V.—FIREWORKS
Sec. 30-100. Short Title. This ordinance shall be known as and may be cited as the "2019 Amendments to the Fireworks Ordinance." Sec. 30-101. Statement of Purpose. This is an ordinance to amend Chapter 30 of the City Code, "Fireworks," to the extent permitted by the Michigan Fireworks Safety Act, MCL Section 28.451 et seq., as has been amended by Public Acts 634, 635 and 636 of 2018. Sec. 30-102. Definitions. As used in this section, the following terms shall be defined as follows:(A) APA standard 87-1 means 2001 APA standards 87-1, Standard for the Construction and Approval for Transportation of Fireworks, Novelties and Theatrical Pyrotechnics, published by the American Pyrotechnics Association of Bethesda, MD. (B) Consumer fireworks means fireworks devices that are designed to comply with the construction, chemical composition and labeling

regulations promulgated by the United States Consumer Protection Safety Commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks do not include low-impact fireworks.(C) *Fireworks* means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration or detonation.(D) *Low impact fireworks* means ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8 and 3.5.(E) *Minor* means an individual who is less than 18 years of age. Sec. 30-103. Ignition, Discharge or Use of Consumer Fireworks. A. Except as provided in this Section, a person shall not ignite, discharge, or use consumer fireworks at any time. B. A person may ignite, discharge, or use consumer fireworks on the following days during the following hours:

Between 11:00 a.m. on December 31 and 1:00 a.m. on the immediately following January 1.

Between 11:00 a.m. and 11:45 p.m. on the Saturday immediately preceding Memorial Day.

Between 11:00 a.m. and 11:45 p.m. on the Sunday immediately preceding Memorial Day.

Between 11:00 a.m. and 11:45 p.m. on June 29, June 30, July 1, July 2, July 3 and July 4.

Between 11:00 a.m. and 11:45 p.m. on July 5, if that date is a Friday or a Saturday.

Between 11:00 a.m. and 11:45 p.m. on the Saturday immediately preceding Labor Day.

Between 11:00 a.m. and 11:45 p.m. on the Sunday immediately preceding Labor Day.

C. A minor shall not possess consumer fireworksD. A violation of this Section is a civil infraction, punishable by a fine of \$1,000. Sec. 30-104. Ignition, Discharge or Use of Consumer Fireworks on Public Property, School Property, Church Property or the Property of Another Person. A. A person shall not ignite, discharge or use consumer fireworks on public property, school property, church property, or the property of another person without that organization's or person's express permission to use those fireworks on those premises. B. A violation of this Section is a civil infraction, punishable by a fine of not more than \$500. Sec. 30-105. Ignition, Discharge, or Use of Consumer Fireworks While Under the Influence. A. A person shall not ignite, discharge, or use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance. B. As used in this Section, "alcoholic liquor" means that term as defined in Section 1d of the Michigan Vehicle Code, MCL 257.1d, as may be amended, and "controlled substance" means that term as defined in Section 8b of the Michigan Vehicle Code, MCL 257.8b, as may be amended. C. A violation of this Section is a civil infraction, punishable by a fine of not more than \$1,000. Sec. 30-106. Determination of Violation; Seizure; Destruction; Storage Costs. A. If a police officer determines that a violation of this Article has occurred, the Department may seize the firework as evidence of the violation. The Department shall store, or cause to be stored, the evidence seized under this Section pending disposition of any proceedings arising from the violation. B. Following a final disposition of an appeal of a finding of responsibility under this Article that affirms the finding, the Department may dispose of or destroy any fireworks retained as evidence in that proceeding. C. A person from whom fireworks are seized under this Article shall pay the actual costs of storage and disposal of the seized fireworks if found responsible for a violation of this Article. This Ordinance also contains provisions for severability, penalty, repeal of ordinances in conflict herewith, publication and an effective date in accordance with the provisions of the St. Clair City Code of Ordinances and the statutes of the State of Michigan. A complete copy of this Ordinance can be inspected or obtained at the St Clair City Hall, 547 N. Carney Drive, St Clair, Michigan 48079, during regular posted office hours.

UNFINISHED BUSINESS

Approve Off-Street Parking variance for 132 Trumbull-Kindsvater moved, Ellery seconded, CARRIED, to approve reverse angle parking at a 45 degree angle and a 6.5 foot minimum width of the sidewalk, 5' clear in the right of way at 132 Trumbull, Property #74-07-700-0007-000 and that the parking spaces remain public and are not designated for private use.

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

NEW BUSINESS

Approve proposal from Technical Service Professionals, LLC for City Hall remediation- McCartney moved, LaPorte seconded, CARRIED, to approve low bid proposal from Technical Service Professionals in the amount of \$28,476.00 as recommended by AEW.

Ayes: LaPorte, McCartney, Watt, Ellery, Kindsvater, Kuffa, Cedar
Nays: None

Approve Schmude Oil Lease-Randall Hansen summarized the 5 year renewal lease requesting 73 acres and indicated Mr. Schmude will be approaching council for another seismic line. McCartney moved, Ellery seconded, to approve Schmude Oil lease as presented.

Ayes: McCartney, Watt, Ellery, Kindsvater, Kuffa, LaPorte, Cedar
Nays: None

Approve 2019 Boards and Commissions appointments- Mayor Cedars recommendation carried to appoint Member McCartney to the Library Commission for a one-year term expiring 12/31/19.

CLAIMS AND ACCOUNTS – January 24, 2019

Check registers listing the bills for the period ending January 24, 2019 (check numbers 47276- >47315) in the amount of \$81,874.77 were presented for Council review. LaPorte moved, Ellery seconded, CARRIED, to approve payment of January 24, 2019 Claims and Accounts as presented.

PUBLIC QUESTIONS AND COMMENTS – T. Jalosky, 1424 S. Riverside, inquired to what type of lines were being flagged along his road. Administration will have DPW to follow-up.

MAYOR AND COUNCILMEMBER COMMENTS AND ANNOUNCEMENTS – Mayor Cedar reminded council of the goal setting session scheduled on February 18 @ 6pm. Special Events: Chili-Heart 5k 2/9/19.

CLOSED SESSION Kindsvater moved, McCartney seconded, CARRIED, to grant request for a Closed Session to Discuss Strategy Connected with the Negotiation of a Collective Bargaining Agreement with Employees Represented by the Police Officers Labor Council, POLC.

Ayes: Watt, Ellery, Kindsvater, Kuffa, LaPorte, McCartney, Cedar
Nays: None

At 7:41pm, Council recessed into closed session and resumed regular session at 8:47pm. No action was taken.

ADJOURNMENT at 8:49pm.