

**CITY OF ST CLAIR, MICHIGAN  
REGULAR COUNCIL MEETING MINUTES  
MONDAY, FEBRUARY 18, 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, LaPorte, McCartney, Watt

ABSENT: Member Kuffa (excused)

ADMINISTRATION: Michael E. Booth, City Superintendent; James T. Downey, Joachim, Kane, Clemons & Downey; Timothy Raker, Police Chief; Annette Sturdy, City Clerk.

AUDIENCE: There were 10 people in attendance.

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

A. City Council Minutes of February 4, 2019 Regular and Closed Meetings: Approved

**ORDINANCES AND RESOLUTIONS**

Ordinance Adoption 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.

LaPorte moved, Kindsvater seconded, CARRIED, to adopt Ordinance 2019-01 as presented.

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

Nays: None

ORDINANCE DECLARED ADOPTED

Resolution (19-01)-St Clair Garden Club Charitable Gaming License –The St. Clair Garden Club anticipates having events including raffles that may require a Charitable gaming license from the State of Michigan. As part of their application with the Charitable Gaming Division of Michigan, a resolution of support that recognizes the St. Clair Garden Club as a nonprofit organization operating in the community is required. It is recommended to motion to support the St. Clair Garden Club in their efforts.

Ellery moved, LaPorte seconded, CARRIED, to adopt resolution as requested.

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

Nays: None

RESOLUTION DECLARED ADOPTED.

Resolution (19-02)- CITY OF ST. CLAIR COUNTY OF ST. CLAIR, MICHIGAN A RESOLUTION TO SCHEDULE A PUBLIC HEARING TO CONSIDER THE ESTABLISHMENT OF A COMMERCIAL REHABILITATION DISTRICT WHEREAS, pursuant to MCL Section 207.843(1) of Public Act 210 of 2005, the City Council has the authority to establish a Commercial Rehabilitation District within the City of St. Clair at the written request of the owner of property comprising at least 50% of all taxable value of the property located within a proposed commercial rehabilitation district; and **WHEREAS**, Jeff Katofsky, managing member of SMDRP, LLC, a Nevada Limited Liability Company, has filed a written request with the Clerk of the City of St. Clair requesting the establishment of a Commercial Rehabilitation District for a property SMDRP, LLC owns at 301 N. Sixth Street in the City of St. Clair,

St. Clair County, State of Michigan, sometimes referred to as 222 N. Ninth Street, legally described as follows: A piece of land bounded north by Orchard Street, east by 6th Street, south by Thornapple Street, west by 8th Street, Blocks 21, 22, 41 and 42, also east 15 feet of 8th Street (vacated) and the north 69 feet of that part of unopened Street adjacent (Mulberry Street) and lying south of Block 16, Map of St. Clair, according to the plat thereof as recorded in Liber D of Plats, Page 31, St. Clair County Records; and **WHEREAS**, MCL Section 207.843(3) of Public Act 210 of 2005, as amended, requires that City Council hold a public hearing before considering the request; **NOW, THEREFORE, BE IT RESOLVED** to schedule a public hearing on SMDRP, LLC's written request for the creation of a Commercial Rehabilitation District for City Council's Regular Meeting of March 4, 2019 at 7:00 p.m.; and **BE IT FURTHER RESOLVED** to send a certified copy of this Resolution by certified mail to the St. Clair County Administrator, 200 Grand River Avenue, Suite 203, Port Huron, MI 48060 and SMDRP, LLC, a Nevada Limited Liability Company, c/o Managing Member Jeff Katofsky, at 4558 Sherman Oaks Avenue, Sherman Oaks CA 91403, owner of property within the proposed district, as required by MCL Section 207.843(3) of Public Act 210 of 2005, as amended; and **BE IT FINALLY RESOLVED** to direct the City Clerk's office to print a notice of the Public Hearing in a paper of general circulation on or before February 22, 2019.

McCartney moved, Ellery seconded, CARRIED, to schedule a public hearing March 4, 2019 at 7pm.

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

RESOLUTION DECLARED ADOPTED.

## REPORTS FROM ADMINISTRATION

**City Superintendent** – Documents from the 6pm goal setting session are available upon request.

**City Attorney**- None

**City Departments**- Per Chief Raker snow ordinances are called when more than 4 inches of snow are expected or have accumulated. When called, cars must be moved off of the roads. If a vehicle is in non-compliance, SCPD will site them first with a ticket but will also tow if they are blocking the road. The timeline for removing snow from the sidewalks begins after the snowfall has ended. If the sidewalk clearance is still in non-compliance, the Code Enforcement Officer will site them first and will go to the police department if it becomes an on-going issue.

Ellery moved, McCartney seconded, CARRIED, (voice vote), to table the original motion to bid out "all professional services" to motion to "get the list of contracts before determining which professional services to bid". Services mentioned included Engineering, Legal, Garbage and Cleaning.

The city of St Clair will conduct a Special election on Tuesday May 7, 2019. There is one proposal on the ballot which is a bond for the East China School District. The school district will provide more information on the proposal in the coming months. At the November election, Voters approved Proposal 3 which made many changes to election law. The most apparent one is "no reason" absentee voting. Applications will be available soon.

Police Chief Raker will contact Westhaven Builders to clear snow from west side of M-29.

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

## UNFINISHED BUSINESS

### NEW BUSINESS

Approve application for Haul Route Permit- The annual application has no changes from previous submissions.

Kindsvater moved, Ellery seconded, CARRIED (voice vote), to approve application for the 2019 Haul Route Permit as presented.

**CLAIMS AND ACCOUNTS** – February 1, February 8 & February 14, 2019

Check registers listing the bills for the period ending February 1, 2019 (check numbers 47316->47344) in the amount of \$67,590.23, February 8, 2019 (check numbers 47345->47388) in the amount of \$151,263.96 and February 14, 2019 (check numbers 47389->47422) in the amount of \$93,937.66 were presented for Council review.

LaPorte moved, Kindsvater seconded, CARRIED, to approve payments of February 1, February 8 & February 14, 2019 Claims and Accounts as presented.

**PUBLIC QUESTIONS AND COMMENTS** – M. Beaudua, 1170 S. 12<sup>th</sup>, stated property lease requests for oil/gas exploration are being received by residents.

**MAYOR AND COUNCILMEMBER COMMENTS AND ANNOUNCEMENTS** – Special Olympics Polar Plunge 2/24/19.

**ADJOURNMENT** at 7:23pm.

Annette Sturdy, City Clerk

Bill Cedar, Jr., Mayor