

**CITY OF ST CLAIR, MICHIGAN  
REGULAR COUNCIL MEETING MINUTES  
MONDAY, AUGUST 5, 2019- 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** was recited.

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

ABSENT: None

ADMINISTRATION: James T. Downey, Kane, Clemons, Joachim & Downey; Trice Hawkins, Recreation Director; Timothy Raker, Police Chief; Donovan Ennis, Corporal; Annette Sturdy, City Clerk.

AUDIENCE: There were 26 people in attendance.

**CONSENT AGENDA** – CARRIED, to approve Consent Agenda items A. and B. as presented.

- A. City Council Minutes of July 15, 2019 Special & Regular Meetings: Approved with correction to July 15, 2019 Public Comment to change the word “commented” to “questioned”
- B. St. Clair Golf Commission Minutes of June 11, 2019 Meeting: Received

**PRESENTATION**

Special Recognition of Eagle Scout project-Brendan Anthony Harter- Mayor, Council and Recreation Director, Trice Hawkins, recognized Brendan Anthony Harter for completion of his Eagle Scout project.

**ORDINANCES AND RESOLUTIONS-**

Ordinance Introduction (2019-04) Adaptive Reuse- **ORDINANCE NO. 2019 – 14 CITY OF ST. CLAIR COUNTY OF ST. CLAIR, MICHIGAN AN ORDINANCE OF THE CITY OF ST. CLAIR, ST. CLAIR COUNTY, MICHIGAN TO AMEND APPENDIX B “ZONING,” ARTICLE 4 “ZONING DISTRICT REGULATIONS” BY ADDING SECTION 4.6 “ADAPTIVE REUSE.” THE CITY OF ST. CLAIR ORDAINS: SECTION 1.AMENDMENT.** Appendix B “Zoning,” Article 4 “Zoning District Regulations” is hereby amended by to adding Section 4.6 “Adaptive Reuse” to read as follows: Section 4.6—Adaptive Reuse.4.6.1. *Definition.* The development of a new use for a building originally designed for a special or specific purpose that has become obsolete. Adaptive Reuse is the redevelopment of a building, including its expansion, into uses that might not otherwise be permitted in a Zoning District. Such uses include residential, retail, office, eating and drinking establishments, services and recreation uses.

4.6.2. *Statement of Intent.* There are many buildings throughout the City but due to their size and/or location and/or functional limitations, might no longer be suited for their intended purpose. This Section provides flexibility in maintaining the viability of these City resources and maintains the zoning rationale by requiring an application to meet Special Approval Use Standards of Section 4.6.4.

4.6.3 *Special Approval Uses Allowed.* A building originally designed and constructed for another purpose may be adaptively reused in the following ways:

1. Multiple dwellings of three (3) units or more.
2. Accessory uses, subject to the provisions of Section 5.2.
3. Adult foster care homes for six (6) or fewer residents.
4. Senior Apartments.

5. Senior Independent Living Community.
6. Assisted Living Community.
7. Public parks and playgrounds.
8. Any use charged with the principal function of technical training.
9. Office buildings for such occupations as executive, administrative, clerical, accounting, engineering, architecture, drafting, medical offices, and sales functions.
10. Data processing and computer centers, including sales, service and maintenance of electronic Data processing equipment.
11. Restaurants, taverns, and nightclubs (except drive-ins).
12. Business or trade schools, dancing or music studios.
13. Utility installations essential to serve the district.
14. No more than two (2) amusement devices that are incidental to the main use of a building.
15. Hotels and motels.
16. Warehousing accessory to the above uses.
17. Skilled Nursing Centers and Memory Care Centers.
18. Public and private educational institutions.
19. Child care centers, day care centers, and group day care homes.
20. Bed & Breakfast uses subject to the provisions of Section 5.26.
21. Any use charged with the principal function of technical training.
22. Retail businesses that supply commodities such as groceries, meats, dairy products, baked goods, drugs, gifts and notions, or hardware.
23. Personal service establishments such as repair shops for watches, small appliances, shoes, televisions, beauty, and barber shops.
24. Laundry and dry-cleaning pickup stations.
25. Professional office of doctors, dentists, lawyers, architects, engineers, and other similar professions.
26. Financial and business service establishments, banks, credit unions, and insurance offices.
27. Post offices and other similar governmental offices serving nearby residential areas.
28. Marinas.
29. Any use charged with the principal function of basic research, design, and pilot or experimental product development.
30. Any use of more than two (2) amusement devices that are incidental to the main use of restaurant, tavern, or nightclub.
31. Overnight parking or storage of vehicles.
32. Private clubs and lodges, provided sales and services are to members and guests only.
33. Public and private business schools or colleges.
34. Health and fitness clubs.
35. Theaters.
36. Assembly and dance halls.
37. Bowling alleys.
38. Any use similar to a use listed above, as determined by the planning commission and city Council

4.6.4. *Regulations and Conditions.* The adaptive reuse of a building allowed by

Section 4.6.3 must be undertaken in accordance with the following standards and conditions:

1. Prior to application for adaptive reuse of a building or special land use approval under Section 4.6.5.1, proposed exterior modifications of buildings located in a Historic District must obtain a permit from the Historic District Commission for all exterior modifications as set forth in Code Section 14-312.
2. A use not listed in Section 4.6.3 is prohibited. Demolition resulting in a change of building area does not qualify as Adaptive Reuse.
3. Condominium bylaws and master deeds and/or building leases shall provide a general description of the types of uses proposed to occupy retail, service or office spaces within the building and the procedures to be followed to accommodate changes in the nature of businesses to occupy such spaces. The Planning Commission may consider and rely upon such documents, or if unavailable at the time of application, written descriptions of the proposed content of such documents, in reaching a finding that proposed retail, office, eating and drinking establishments, service or recreation uses will be generally compatible with residential uses in the building.
4. Parking requirements shall comply with City Code Section 14-26 and shall be located within the boundary of the subject property. The Planning Commission shall use the requirements of Article 7 of this Zoning Ordinance as a guide to parking requirements but may exercise its discretion on a case-by-case basis in applying them in order to achieve the thoroughly considered objectives of the Zoning Ordinance.
5. Dwelling units shall meet the following criteria:
  - A. Dwelling units with one-, two-, and three-bedrooms shall meet the required floor space for the same bedroom types as listed in Section 4.5, Schedule of Use Regulations.
  - B. Efficiency units shall have a minimum floor area of 400 square feet.
  - C. Skilled nursing and memory care centers shall be regulated according to Section 4.5.3.6.
6. Dwellings in the building shall be accessed by a secure entrance dedicated for the exclusive use of building residents and guests.
7. The Planning Commission shall use the requirements of Sections 5.5, 5.6, 5.7, and 5.9 of this Zoning Ordinance as a guide to landscaping and buffering requirements but may exercise its discretion on a case-by-case basis in applying them in order to achieve the thoroughly considered objectives of the Zoning Ordinance. The Planning Commission has the authority to require additional landscaping, screening and buffering to eliminate negative impacts on nearby properties.
8. Expansion criteria shall be approved on a case-by-case basis at the time of Site Plan review.
9. Signage shall comply with the requirements of Article 6 of this Zoning Ordinance.
10. The Planning Commission and City Council has the authority to require traffic, environmental, and other reports that aid in a decision.

**4.6.5 Application and Review Procedure.** The following application and review procedure will be followed:

1. **Application Requirement.** Applications for adaptive reuse authorized by this Section shall be submitted to the zoning administrator in compliance with the requirements of the Ordinance regulating Site Plans in Sections 9.1.3 and 9.1.4.
2. **Phased Approvals Require Master Plan.** An applicant may propose a phased approach in its application for adaptive reuse; however, such application shall include a master plan indicating how phasing will accomplish completion of the project.
3. **Public Notice.** When the Zoning Administrator receives an application for a special approval use, public notice shall be provided as specified in Section 3.11 of this Zoning Ordinance.
4. **Public Hearing.** A public hearing with public notification shall be held by the Planning Commission.
5. **Planning Commission Action.** Upon receipt of a site plan, the Planning Commission shall review it at a regularly scheduled meeting and either recommend approval; approval with conditions; denial; or shall table the site plan with stipulations as to further information required from the applicant prior to a decision being made at a subsequent meeting. The Planning Commission shall make a written statement of findings and conclusions relative to the special approval use that specifies the basis for the decision and any conditions imposed.
6. **Basis of Determination for Adaptive Reuse.** The Planning Commission shall review and evaluate the proposed adaptive reuse consistent with the provisions of the Ordinance regulating Site Plans in Sections 9.1.2 and 9.1.5.
7. **Basis of Determination for Special Land Use.** The Planning Commission shall review the proposed special approval using the standards adopted within this Ordinance and shall establish that such use and the proposed location:
  - A. Will be harmonious and in accordance with the general objectives or any specific objectives of the Master Plan of Land Use.
  - B. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with

the existing or intended character of the general vicinity and will not change the essential character of the area. C. Will not be hazardous or disturbing to existing or future nearby uses. D. Will be an improvement in relation to property in the immediate vicinity and to the community as a whole. E. Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility. F. Will not create excessive additional public costs and will not be detrimental to the economic welfare of the community. G. Will be consistent with the intent and purpose of this Ordinance. H. City Council Approval. The City Council shall review the recommendation of the Planning Commission at a regularly scheduled meeting of the City Council. The City Council may impose such additional conditions and safeguards as recommended by the Planning Commission and/or other conditions deemed necessary for the general health, safety, and welfare of the City of St Clair, for the protection of individual property rights and for ensuring that the general spirit and purpose of the Ordinance and the District in which the special approval use is proposed, will be observed. 9. Effect of Approval. Any approval given by the City Council shall remain in effect in as specified in section 9.1.6 of the ordinance regulating Site Plan approvals.

### ORDINANCE INTRODUCED

McCartney moved, Kuffa seconded, CARRIED, to Introduce Ordinance (2019-04) as presented.

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

Nays: None

Resolution (19-13) – City Employee Pension Millage Renewal- RESOLUTION NO. 19-13CITY OF ST. CLAIR COUNTY OF ST. CLAIR, MICHIGAN RESOLUTION APPROVING BALLOT LANGUAGE FOR CITY EMPLOYEE PENSION MILLAGE RENEWAL WHEREAS, the City of St. Clair levies one (1) mill for the purpose of providing funds to defray the cost of retirement and pension program on a contributing basis for City employees; and **WHEREAS**, said one (1) mill was authorized by the electorate of the City on November 4, 1980 for a period of 20 years, said 20 years to expire in the year 2000; and again on November 2, 1999 for a period of 20 years, said 20 years to expire in the year 2020; and **WHEREAS**, it is in the public interest to submit renewal of said millage to the electors; **NOW, THEREFORE, BE IT RESOLVED**, that: 1. At the general election which is to be held in the regularly designated voting places in the City of St. Clair on November 5, 2019, the following proposition shall be submitted to the City electors:

#### CITY EMPLOYEE PENSION MILLAGE RENEWAL

Shall the charter limitation on the total amount of all taxes which may be imposed against all real and personal property in the City of St. Clair, St. Clair County, Michigan be increased on one (1) mill of assessed valuation (\$1.00 per \$1,000.00 of state equalized value), as finally equalized, for a period of twenty (20) years, to expire in 2040, for the purpose of providing funds to defray the costs of a retirement and pension program on a contributing basis for city employees. This is a renewal of the millage previously approved for this purpose.

Yes

No

2. The City Clerk is hereby instructed to proceed to place this proposition before the electors in accordance with all applicable regulations so made and provided.

Kindsvater moved, LaPorte seconded, CARRIED, to adopt Resolution (19-13) as presented.

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

Resolution (19-14)- Local Government approval for MLCC License-Mannina's Wine House, LLC-  
Kuffa moved, Ellery seconded, CARRIED, to adopt Resolution (19-14) as presented.

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

## REPORTS FROM ADMINISTRATION

**City Superintendent** Road update: N. 6<sup>th</sup> & Highland repaving is on schedule. Additional parking on 5<sup>th</sup> street bid opening is 8/13/19. Assessor office hours are Thursdays 9-4. Summer tax bills due 9/30/19.**City Attorney-** None **City Departments-** **SCPD-**Chief Raker stated Riverfest weekend went well and stated a follow up meeting will be held 8/16/19 @11pm. Public welcome. National night out 8/14/19 5p-7p. Corporal Ennis explained the Neighbors App, by RING, and encouraged residents to use the free, anonymous app. as a way to communicate with the SCPD and communicate with each other as residents. It is zipcode based. Text St Clair to "555888" to sign in. Currently there are 100 people signed up. **Recreation-** Trice Hawkins, Recreation Director, recognized Boy Scout Troop #294 for their community service project, thanked the St Clair Cruisers, Vern and Linda Cummings, for a successful River View Classic event, requested approval for and was granted allocation of Parks and Recreation Millage Funds for Imagination Station Rebuild Project which is scheduled for September 10-15, shared the Palmer Park Boardwalk Dedication date of 8/25/19 @3:30pm to acknowledge city, county and state parties who assisted with the project, the Chamber of Commerce open house the same day and the First Impression Tourism Assessment open house date of 9/19/19 @5:30pm.

**Authority, Board, Commission, Committee Chairman or Council Representative –**  
Councilmember Kuffa thanked Dave Shorkey and Harbor staff for a successful Mardi Gras event. Councilmember McCartney stated a Community Cares Day for Hillside Cemetery will be held September 21, 10am-2pm for cleaning cemetery markers.

**UNFINISHED BUSINESS - None**

## NEW BUSINESS-

Schedule public hearing for Commercial Facilities Exemption Certificate-503 N Riverside-Public hearing scheduled for Tuesday, September 3, 2019 @7pm is recommended.  
McCartney moved, Kuffa seconded, CARRIED, to schedule as recommended.

Schedule public hearing for Commercial Rehabilitation Exemption Certificate-301 N. 6<sup>th</sup> Street- - Public hearing scheduled for Tuesday, September 3, 2019 @7pm is recommended.  
McCartney moved, Kuffa seconded, CARRIED, to schedule as recommended.

Approve Special Event Permit Application for St Marys' Fall Festival- Council received a memorandum from Police Chief Raker requesting that Council approve a special event permit for St. Mary's church to conduct their annual Fall Festival on September 27, 28 & 29, 2019. 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 as presented.

**CLAIMS AND ACCOUNTS** – July 19, July 26 and August 1, 2019

Check registers listing the bills for the period ending July 19, 2019 (check numbers 48329-48372) in the amount of \$188,327.88, for period ending July 26, 2019 (check numbers 48373-48417) in the amount of \$143,496.18 and for period ending August 1, 2019 (check numbers 48418-48452) in the amount of \$434,305.72 were presented for Council review.

LaPorte moved, Kuffa seconded, CARRIED, to approve payments of Claims and Accounts as presented.

**PUBLIC QUESTIONS AND COMMENTS** – Comments heard from S. Path, St Clair Art Association, Co-chairman of the Art Fair, who thanked all partners for the 48<sup>th</sup> annual art fair. Comments heard requesting update on crack sealing, sidewalk replacement, detour sign removal, gravel on Oak Street. Questions asked about road diet configuration and compensation for the Clerk.

**MAYOR AND COUNCILMEMBER COMMENTS AND ANNOUNCEMENTS** – Imagination Station Rebuild will be held September 10-15. Eighty volunteers are needed per day with a variety of skill level tasks to choose from. Congratulations to St Clair Girls 10u Little League State Champions. St Clair Jazz Festival 8/17/19. Mardi Gras great success. Kayak and canoe rental are available at the Harbor. Crack sealing is scheduled this or next week. Sidewalk repair has begun. Detour signs have been removed. There are still modifications being made to the intersection light and road diet in general.

**CLOSED SESSION** Kuffa moved, McCartney seconded, CARRIED, to grant Request Closed Session to Discuss Strategy Connected with the Negotiation of a Collective Bargaining Agreement with Employees Represented by the Police Officers Labor Council, POLC and Employees Represented by the American Federation of State, County and Municipal Employees, AFSCME.

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

Nays: None

At 7:57pm, Council recessed into closed session and resumed regular session at 8:57pm.

Kindsvater moved, Kuffa seconded, CARRIED, to direct Administration to sign the extension of the Collective Bargaining Agreement with employees Represented by the American Federation of State, County and Municipal Employees, AFSCME.

**ADJOURNMENT** at 8:58pm

Annette Sturdy, City Clerk

Bill Cedar, Jr., Mayor