

**CITY OF ST CLAIR, MICHIGAN
REGULAR COUNCIL MEETING MINUTES
MONDAY, AUGUST 19, 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

ABSENT: Member Watt

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

AUDIENCE: There were 40 people in attendance.

CONSENT AGENDA – Kuffa moved, Kindsvater seconded, CARRIED, to approve Consent Agenda items A. and B. as presented.

- A. City Council Minutes of August 5, 2019 Regular and Closed Meetings: Approved
- B. Cemetery Board of Trustees Minutes of July 2, 2019 Meeting: Received

PRESENTATION

Special Recognition of 2019 Girls 10U Little League State Champions- Mayor Cedar presented a Certificate of Recognition to the coaches and players “in the true spirit of community pride for their community and personal achievements”.

ORDINANCES AND RESOLUTIONS-

Ordinance Adoption (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.

4.6.4. 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. 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 ADOPTED

McCartney moved, Kindsvater seconded, CARRIED, to adopt Ordinance (2019-04) as presented.

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

Resolution (19-15) – Emergency Support Plan- RESOLUTION NO. 19-15 CITY OF ST. CLAIR COUNTY OF ST. CLAIR, MICHIGAN RESOLUTION ADOPTING THE EMERGENCY SUPPORT PLAN WHEREAS, the City of St. Clair is in support of the St. Clair County Comprehensive Emergency Management Program; and WHEREAS, the City of St. Clair in its entirety to include the City of St. Clair Police Department, Fire Department, Assessing, Building, Supervisor's and Treasurer's office has approved the guidelines to support this program; and WHEREAS, the City of St. Clair is required to approve any expenses regarding training and materials needed for emergency response, and WHEREAS, St. Clair County Comprehensive Emergency Management Program has established and published procedures and design criteria for emergency functions for a natural disaster, technological incident or a hostile attack, and NOW, THEREFORE, BE IT RESOLVED by the City Council of St. Clair, St. Clair county, Michigan that: The city council for the City of St. Clair hereby adopts the emergency support plan through the St. Clair County Comprehensive Emergency Management Program.

RESOLUTION DECLARED ADOPTED

LaPorte moved, McCartney seconded, CARRIED, to adopt Resolution (19-15) as presented.

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

REPORTS FROM ADMINISTRATION

City Superintendent –Road Update: N 6th street/Brown repaving will be completed by end of the month. City offices will be closed Monday, September 2, 2019. The next council meeting is Tuesday, September 3 @7pm. That is also the first day of school so please allow for extra driving time during peak school traffic hours and be alert for bus signals. City Flag maintenance process reviewed.

City Attorney- None

City Departments- None

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

UNFINISHED BUSINESS - None

NEW BUSINESS-

Approve Special Event permit for the 13th Annual Turkey Trot- Council received a memorandum from Police Chief Raker requesting that Council approve a special event permit for St. Clair First United Methodist Church to conduct their 13th Annual Turkey Trot, November 2, 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.

Approve Interim City Superintendent Compensation proposal-Kindsvater moved, McCartney seconded, CARRIED, to accept proposal as presented.

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

Designate Michigan Municipal League Representative and alternate- As a member of the MML, the city must delegate an official to attend the yearly convention at which resolutions may be voted on.

Kindsvater moved, McCartney seconded, CARRIED, to appoint Annette Sturdy as representative and and Mike LaPorte as delegate.

CLAIMS AND ACCOUNTS – August 9 and August 15, 2019

Check registers listing the bills for the period ending August 9, 2019 (check numbers 48453-48526) in the amount of \$172,957.04, and for the period ending August 15, 2019 (check numbers 48527-48579) in the amount of \$120,005.66 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 regarding Oak St. completed repair and future maintenance. Questions asked regarding sidewalk repair and council interest in an Ordinance amendment to allow chickens.

MAYOR AND COUNCILMEMBER COMMENTS AND ANNOUNCEMENTS – Special events: Boardwalk Dedication 8/25/19 @3:30pm & Whistles on the Water 9/28/19 @3:30pm. St Clair Jazz Festival was a success. Questions answered on city employee pension fund millage. Update provided on Coney Island project and requested for an Ordinance against unsolicited newspapers/circulars.

ADJOURNMENT at 7:34pm

Annette Sturdy, City Clerk

Bill Cedar, Jr., Mayor