

**CITY OF ST CLAIR, MICHIGAN
REGULAR COUNCIL MEETING MINUTES
MONDAY, OCTOBER 7, 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; Annette Sturdy, Interim City Superintendent/City Clerk.

AUDIENCE: There were 11 people in attendance.

AGENDA AMENDMENT: Councilmember Kindsvater moved, Kuffa seconded, CARRIED, to strike Item 5A, 7A and 7B from tonight's agenda.

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

Nays: None

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

- A. City Council Minutes of September 16, 2019 Regular meeting: Approved
- B. Planning Commission Minutes of July 10, 2019 meeting: Received

PRESENTATION

St. Clair County Trails Plan-Jim Bier shared the progress of the plan and the intention to close the gap of the St. Clair portion of the Bridge to Bay trail. The committee prepared a Request for Proposals for the engineering work needed to study Clinton Avenue et al for possible connection locations. The committee intends to pursue funding avenues for the study.

ORDINANCES AND RESOLUTIONS

Resolution (19-19) Commercial Facilities Exemption Certificate-On the Vine, LLC- CITY OF ST. CLAIR COUNTY OF ST. CLAIR, MICHIGAN A RESOLUTION TO APPROVE A COMMERCIAL FACILITIES EXEMPTION CERTIFICATE APPLICATION, PURSUANT TO PUBLIC ACT 255 OF 1978 AS AMENDED, FOR ON THE VINE, LLC, 503 N. RIVERSIDE AVENUE RESOLUTION of the City Council of the City of St. Clair adopted at a regular meeting of said Council held at City Hall located at 547 N. Carney Drive, St. Clair, Michigan, on the 7th day of October, 2019 at 7:00 PM. WHEREAS, the City of St. Clair legally established the Commercial Redevelopment District for the St. Clair Inn and associated properties on August 21, 2017, after a public hearing held on August 21, 2017; and **WHEREAS**, the district so established is known as the St. Clair Inn Commercial Redevelopment District; and **WHEREAS**, the state equalized value of the property proposed to be exempt, plus the aggregate state equalized value of property previously exempt and currently in force under Public Act 255 of 1978 and Public Act 198 of 1974, does not exceed five percent (5%) of the total state equalized value of the City of St. Clair; and **WHEREAS**, If the state equalized valuation of property proposed to be exempt pursuant to an application under consideration, considered together with the aggregate state equalized valuation of property exempt under certificates previously granted

and currently in force shall exceed five percent (5%) of the state equalized valuation of the City of St. Clair, then exceeding that amount shall not have the effect of substantially impeding the operation of the City of St. Clair or impairing the financial soundness of any affected taxing unit; and **WHEREAS**, the application was approved at a public hearing as provided by section 6(2) of Public Act 255 of 1978 on October 7, 2019; and **WHEREAS**, the application was approved for a period of twelve (12) years; and **WHEREAS**, On the Vine, LLC is not delinquent in any taxes related to the facility; and **WHEREAS**, the application is for commercial property as defined in Section 3(3) of Public Act 255 of 1978; and **WHEREAS**, the applicant On the Vine, LLC has provided answers to all required questions under Section 6(1) of PA 255 of 1978 to the City of St. Clair; and **WHEREAS**, the City of St. Clair requires that the construction of the facility shall be completed by November 15, 2019 and **WHEREAS**, the commencement of the construction of the facility did not occur more than 45 days prior to the filing of the application for exemption; and **WHEREAS**, the commencement of the construction of the facility did not occur prior to the establishment of the Commercial Redevelopment District; and **WHEREAS**, the application relates to a construction which when completed constitutes a new or replacement facility within the meaning of Public Act 255 of 1978 and that is situated within a Commercial Redevelopment District established under Public Act 255 of 1978; and **WHEREAS**, completion of the facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to, increase commercial activity and create employment in which the facility is situated; and **WHEREAS**, the construction includes improvements aggregating ten percent (10%) or more of the true cash value of the property at commencement of the construction as provided by section 4(6) of Public Act 255 of 1978. **NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of St. Clair that it hereby grants a Commercial Facilities Exemption for the real property, excluding land, located in the St. Clair Inn Commercial Redevelopment District at 503 N. Riverside Ave., St. Clair, MI for a period of twelve (12) years, beginning December 31, 2019, and ending December 30, 2031, pursuant to the provisions of PA 255 of 1978, as amended.

McCartney moved, Kuffa seconded, CARRIED, to adopt Resolution (19-19) as presented.
Ayes: Kindsvater, Kuffa, LaPorte, McCartney, Watt, Ellery, Cedar
Nays: None

RESOLUTION DECLARED ADOPTED.

Resolution (19-20) Local Pavement Warranty Program-Steve Pangori, AEW, summarized the State mandate for entities to adopt the program for projects that use more than 2million in State and/or Federal funds. **CITY OF ST. CLAIR COUNTY OF ST. CLAIR, MICHIGAN RESOLUTION TO ADOPT A LOCAL PAVEMENT WARRANTY PROGRAM WHEREAS**, the Michigan Legislature (MCL 247.663) requires each city or village to adopt a Local Agency Pavement Warranty Program that was approved by the Michigan Department of Transportation in 2018; **WHEREAS**, the Michigan Local Agency Pavement Warranty Program was developed by the Local Agency Pavement Warranty Task Force for use by all 533 cities and villages in the format approved by the Michigan Department of Transportation in 2018; **WHEREAS**, the Michigan Department of Transportation has reviewed and approved the Michigan Local Agency Pavement Warranty Program consisting of Special Provisions (Boilerplate, Concrete, HMA, Location, Pass-Through Warranty Bond); a Warranty Bond Form and Contract Form; and Guidelines for Local Agency Pavement Warranty Programs; **NOW THEREFORE BE IT RESOLVED**, the City of St. Clair hereby adopts the Michigan Local Agency Pavement Warranty Program and accompanying documents in accordance to the requirements of MCL 247.663;

McCartney moved, LaPorte seconded, CARRIED, to adopt the Resolution (19-20) as presented.
Ayes: Kuffa, LaPorte, McCartney, Watt, Ellery, Kindsvater, Cedar
Nays: None

RESOLUTION DECLARED ADOPTED

Resolution (19-21) SCAFA MERS Agreement- **CITY OF ST. CLAIR COUNTY OF ST. CLAIR, MICHIGAN** A RESOLUTION APPROVING AND AUTHORIZING THE ST. CLAIR AREA FIRE AUTHORITY TO EXECUTE A DEFINED BENEFIT TERMINATION AND REFUND AGREEMENT WITH THE MICHIGAN EMPLOYEES' RETIREMENT SYSTEM. A RESOLUTION of the City Council of the City of St. Clair adopted at a regular meeting of said Council held at City Hall located at 547 N. Carney Drive, St. Clair, Michigan, on the 7th day of October, 2019 at 7:00 PM. WHEREAS, the City of St. Clair and the Townships of St. Clair, China, and East China (the "Municipalities") entered into an Intergovernmental Agreement ("IGA") on June 20, 2002 to create the St. Clair Area Fire Authority ("SCAFA") to provide the Municipalities with fire and emergency response services; and, WHEREAS, since its inception, SCAFA has participated in the Michigan Employees' Retirement System ("MERS") by making employer contributions for the benefit of its qualified employees; and, WHEREAS, SCAFA has settled all of its liabilities under the program; to wit, there are no longer any qualified employee participants for the reason SCAFA is now staffed entirely by volunteers; and, WHEREAS, SCAFA and MERS have negotiated a "Defined Benefit Termination and Refund Agreement" ("Agreement") to terminate SCAFA's participation in the program and to reimburse to SCAFA any refund to which it is entitled; and, WHEREAS, the SCAFA Board wishes to execute the Agreement and requires the approval of the Municipalities in order to do so; **NOW, THEREFORE, BE IT RESOLVED** that the City Council for the City of St. Clair approves and authorizes the St. Clair Area Fire Authority to execute Agreement with its consent.

Kindsvater moved, LaPorte seconded, CARRIED, to adopt Resolution (19-21) as presented.
Ayes: LaPorte, McCartney, Watt, Ellery, Kindsvater, Kuffa, Cedar
Nays: None

RESOLUTION DECLARED ADOPTED.

REPORTS FROM ADMINISTRATION

City Superintendent – None

City Attorney- None

City Departments- Election November 5, 2019. Absentee Ballots are available. The ballot contains one proposal requesting a 20 year renewal of 1 mill for city-employee pension funding. Sample ballots are available.

Authority, Board, Commission, Committee Chairman or Council Representative – Hillside Cemetery Community Cares 9/21/19 event was successful.

UNFINISHED BUSINESS - None

NEW BUSINESS

Approve Special Event Permit for Schulte Insurance 5k Zombie Run- Council received a memorandum from Police Chief Raker requesting that Council approve a special event permit for Schulte Insurance to conduct a 5k Zombie Run on October 19, 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 permit as requested.

Approve Special Event Permit for Lighted Santa Parade and Tree Lighting Ceremony- Council received a memorandum from Police Chief Raker requesting that Council approve a special event permit for the Santa Parade Committee to conduct the annual Santa Parade and Tree Lighting Ceremony on Friday, November 22, 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 permit as requested.

Approve application for interest in the DIA Inside/Out program- Stephen Path, SCAA, summarized the Detroit Institute of Art's program of sharing free standing art to display in various locations within city limits from May through October. The application or program is of no cost to the city. Locations would be chosen in a collaborative effort between the City, DIA and SCAA.

McCartney moved, Kuffa seconded, CARRIED, to approve the application.

CLAIMS AND ACCOUNTS – September 19, September 26 & October 3, 2019

Check registers listing the bills for the period ending September 19, 2019 (check numbers 48736-48783) in the amount of \$2,160,636.67, September 26, 2019 (check numbers 48784-48831) in the amount of \$99,952.69 and the period ending October 3, 2019 (check numbers 48832-48885) in the amount of \$1,708,555.14 were presented for Council review.

LaPorte moved, Kuffa seconded, CARRIED, to approve payments of September 19, September 26 and October 3, 2019 Claims and Accounts as presented.

PUBLIC QUESTIONS AND COMMENTS – Requests heard for pothole repair on Second St., inquiry of Industrial Park availability and for Blind person additional signage throughout the city.

MAYOR AND COUNCILMEMBER COMMENTS AND ANNOUNCEMENTS – Mayor Cedar requested new public hearing date for Vacation of Pine St to be set for October 24, 2019@5pm. McCartney moved, Kuffa seconded, CARRIED, to schedule public hearing for 10/24/19 @5pm.

CLOSED SESSION- McCartney moved, Kindsvater seconded, CARRIED, to grant request for 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: McCartney, Watt, Ellery, Kuffa, Kindsvater, LaPorte, Cedar

Nays: None

At 7:41pm, Council recessed into closed session and resumed regular session at 8:43pm. No action was taken.

ADJOURNMENT at 8:44pm

Annette Sturdy, City Clerk

Bill Cedar, Jr., Mayor