

**CITY OF ST CLAIR, MICHIGAN
REGULAR COUNCIL MEETING MINUTES
MONDAY, FEBRUARY 3, 2020- 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, 48079.

PLEDGE OF ALLEGIANCE was recited.

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

ABSENT: None

ADMINISTRATION: Delos Boulter, Building Inspector; James T. Downey, Kane, Clemons, Joachim & Downey; Timothy Raker; Police Chief; Warren Rothe, City Superintendent; Annette Sturdy, City Clerk.

AUDIENCE: There were 25 people in attendance.

AGENDA AMENDMENT- Kindsvater moved, Kuffa seconded, CARRIED, to add "CLOSED SESSION: Request for Closed Session to Confer with Legal Counsel for the Purpose of Discussing Pending Litigation" to the agenda.

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

- A. City Council Minutes of January 20, 2020 Regular Meeting: Approved
- B. Planning Commission 2019 Annual Report: Received

PROCLAMATION

Winter White Out's 2020 Bootlegger Balladeer and Poet Laureate- Dan Lockwood shared the legend "Protection Money" as the base for this year's competition.

Arthur Smith recited his poem "Protection Compensation" and was proclaimed as St. Clair's 2020 Poet Laureate.

Stephanie Horvath performed her ballad "Protection Money" and was proclaimed as St. Clair's 2020 Bootlegger Balladeer.

PRESENTATION Anderson, Eckstein & Westrick, Inc-Woodland Estates- R. Ryan Kern, AEW, explained the analysis and Preliminary estimate for pavement repairs of Woodland Estates Condominium Development. A re-evaluation to determine road repair was conducted, the previous evaluation was completed in 2014, and concluded the recommendation is to pulverize the existing asphalt base and add a 4-inch layer of asphalt, relocate several storm sewer in order to move out of driveway approaches, remove handicap ramps that are not up to code and bring the remaining handicap ramps up to ADA compliance. The final estimated quote is approximately \$310,000. To move forward with city financial assistance and city responsibility, the city needs to acquire the roads first, then the assessor would determine how much each home would be assessed and responsible for then a special assessment could take place. Public questions included instead of frontage for assessment purposed could it be determined equally instead, how much would the city contribute, does the city maintain the sewer lines and what type of bond did the original developer have. Administration will research into the questions asked and AEW will look back in their records to regarding the bond.

ORDINANCES AND RESOLUTIONS

Ordinance Introduction (2020-02) Regulation of Handbills- ORDINANCE NO. 2020 - 02

CITY OF ST. CLAIR COUNTY OF ST. CLAIR, MICHIGAN AN ORDINANCE OF THE CITY OF ST. CLAIR, ST. CLAIR COUNTY, MICHIGAN TO AMEND CHAPTER 18 “BUSINESSES” OF THE CITY CODE OF ORDINANCES BY ADOPTING ARTICLE VIII “REGULATION OF HANDBILLS.” THE CITY OF ST. CLAIR ORDAINS: SECTION 1. AMENDMENT. Chapter 18 “Businesses” of the City Code of Ordinances is hereby amended by adding Article VIII “Regulation of Handbills” as fully set forth herein: Section 18-501. **SHORT TITLE.** This Article shall be known and may be cited as the “Handbill Ordinance.” Section 18-502. **STATEMENT OF PURPOSE.** This is an ordinance to protect City residents against the nuisance of the promiscuous distribution of handbills and circulars. The objective is to prohibit the resulting detriment and danger to public health and safety and to the public interest. The purposes of this ordinance are specifically declared to include the following. (a) To protect City residents against trespassing by solicitors, canvassers, or handbill distributors upon the private property of such residents if they have given reasonable notice that they do not wish to be solicited by such persons or do not desire to receive handbills or advertising matter. (b) To protect City residents against the health and safety menace and the expense incident to the visual blight created by the promiscuous and uncontrolled distribution of handbills. Section 18-503. **DEFINITIONS.** The following words, terms and phrases, when used in this ordinance, have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning: (a) Newspaper. Any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States in accordance with Federal Statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law, and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four (4) issues per year, and sold to the public. (b) Handbill. Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, magazine, paper booklet, or any other printed or otherwise reproduced original or copies of any matter or literature not a newspaper. (c) Person. Any person, firm, partnership, association, corporation, company, or organization of any kind. (d) Private premises. Any dwelling house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule, or mailbox belonging or appurtenant to such dwelling, house, building, or other structure. (e) Public place. Any and all streets, boulevards, avenues, lanes, alleys, or other public ways, and any and all public parks, squares, spaces, plazas, grounds, and building. (f) Language Construction. Words singular in form may include the plural; and words plural in form may include the singular; and words in the masculine gender shall include the feminine. Section 18-504. **PLACING HANDBILLS IN OR ON VEHICLES PROHIBITED.** It shall be unlawful for any person to distribute, deposit, place, throw, scatter, or cast any handbill in or upon any automobile or other vehicle. The provisions of this section shall not be deemed to prohibit the handing, transmitting, or distributing of any handbill to the owner or other occupant of any automobile or other vehicle who is willing to accept same. Section 18-505. **PROHIBITING DISTRIBUTION OF HANDBILLS WHERE PROPERLY POSTED.** It shall be unlawful for any person to distribute, deposit, place, throw, scatter, or cast any handbill upon any premises if requested by anyone thereon not to do so, or if there is placed on said premises in a conspicuous position near the entrance thereof, a sign bearing the words: “No handbills;” “No peddlers;” “No agents;” “No advertisement;” “No solicitors;” or any similar notice indicating in any manner that the occupants of said premises do not desire to have their right of privacy disturbed, or to have any such handbills left upon such premises. Section 18-506. **DISTRIBUTION OF HANDBILLS ON PRIVATE PREMISES.** No person shall distribute, deposit, place, throw, scatter, or cast any

handbill in or upon any private premises, except by handing or transmitting any such handbill directly to the owner, occupant, or any other person then present in or upon such private premises; **PROVIDED**, however, that in case of private premises, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited on a porch; near the front door; securely attached to a front door; through a mail slot; between an exterior and interior front door; or in a distribution box except that mailboxes may not be so used when so prohibited by applicable Federal postal laws or regulations. Section 18-507. **EXEMPTION.** The provisions of this ordinance shall not be deemed to apply to the distribution of mail by the United States or to newspapers as defined in this ordinance. Section 18-508. **CERTAIN EXISTING ORDINANCES NOT AFFECTED.** This ordinance shall not be deemed to repeal, amend or modify any ordinance ever ordained, either prohibiting, regulating or licensing canvassers, hawkers, peddlers, transient merchants, or any person, using the public streets or places for any private business or enterprise, or for commercial sales, not covered herein. Section 18-509. **VIOLATIONS AND PENALTIES.** A. Any person who disobeys, neglects, or refuses to comply with any provision of this ordinance; or who causes, allows, or consents to any of the same shall be deemed to be responsible for a violation of this ordinance. B. A violation of this ordinance is a municipal civil infraction. The fines shall not be less than \$100 nor more than \$500, in the discretion of the Court. The foregoing sanctions shall be in addition to the rights of the City of St. Clair to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs that may include all expenses, direct and indirect, which the City of St. Clair incurs in connection with the municipal civil infraction. C. Each day during which any violation continues shall be deemed a separate offense. D. The City of St. Clair may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law. E. This ordinance shall be administered and enforced by the St. Clair Police Department, an Ordinance Enforcement Officer of the City of St. Clair or by such other person(s) as designated by the City of St. Clair City Superintendent or the City St. Clair Council from time to time. **SECTION 2. SAVINGS.** All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

Kindsvater moved, McCartney seconded, CARRIED, to introduce Ordinance (2020-02) as presented.

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

ORDINANCE INTRODUCED

Resolution (20-03) Quarterly Budget Adjustment- CITY OF ST. CLAIR COUNTY OF ST. CLAIR, MICHIGAN RESOLUTION NO. 20-03 RESOLUTION AMENDING 2019-20 ANNUAL BUDGET BE IT RESOLVED, that the revised list of expenditures for the 2019-2020 budget, attached as "Exhibit A" to this Resolution, be approved effective immediately.
McCartney moved, Kindsvater seconded, CARRIED, to adopt Resolution (20-03) as presented.

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

RESOLUTION ADOPTED

Resolution (20-04) Lot Split/Combine 1409, 1419 & 1421 Fred W. Moore Highway- CITY OF ST. CLAIR COUNTY OF ST. CLAIR, MICHIGAN RESOLUTION APPROVING LOT/SPLIT/COMBINE
WHEREAS, a Lot/Split/Combine request has been made by the property owner of 1409, 1419

and 1421 Fred W Moore Highway, parcel number 74-07-053-0085-000, 74-07-053-0086-000 and 74-07-053-0088-000, to be split and combined.

Existing Parcels Legal descriptions: 74-07-053-0085-000

PART OF OUTLOT 13, BEG ON ITS W LINE S 10D 12M W 380.34' FROM C.L. TOWNLINE RD, TH S 10D 12M W 782.31', TH S 80D 48M E 388.15', TH N 9D 9M E 1197', TH S 88D 41M W 15.25' ALG RD, TH S 9D 9M W 176.23', TH N 80D 51M W 110', TH S 9D 9M W 198.91', TH N 89D 11M W 251.44' TO BEG MAP OF PC 304 & 305 74-07-053-0086-000 BEG N 88D 41M E 245.89' FROM INT/SEC OF W LINE OUTLOT 13 & C.L. TOWNLINE RD, TH S 9D 9M W 189.47', TH S 80D 51M E 110', TH N 9D 9M E 209.79', TH S 88D 41M W 111.86' TO BEG MAP OF PC 304 & 305

74-07-053-0088-000 THAT PART OF W 1/2 OF OUTLOT 13 LYING S OF DIVISION RD & E OF A LINE BEG ON C.L. RD, N 88D 41M E 372.95' FROM ITS INT/SEC WITH W LOT LINE, TH S 9D 9M W 1197', EXC E 20' MAP OF PC 304 & 305

and **WHEREAS**, the authority to approve such division is vested in the City Council by virtue of the provisions of Ordinance No. 1973-2 enacted pursuant to the provisions of MCLA 560.263; MSA 26.430 (263). **NOW, THEREFORE, BE IT RESOLVED**, that the premises hereinbefore described are split and combined as described as:

Resulting Parcels legal description: see attached survey

McCartney moved, Ellery seconded, CARRIED, to adopt Resolution (20-04) as presented.

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

RESOLUTION ADOPTED

REPORTS FROM ADMINISTRATION

City Superintendent – Financial audit is almost complete and should be presented in March. Meijer, Marysville location, has a new Secretary of State Kiosk.

City Attorney- None.

City Departments- Ballots available for the March 10, 2020 Presidential Primary election

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

UNFINISHED BUSINESS – None

NEW BUSINESS

Approve Appointments to 2020 Boards and Commissions- Mayor Cedar reported recommendations for appointments of residents to the following board as follows: Zoning Board of Appeals- Appoint Bill Klieman for a two year term expiring December 31, 2021 and Diane Ives for a three year term expiring December 31, 2022.

McCartney moved, Kindsvater seconded, CARRIED, to appoint as recommended.

Approve Special Event Permit St Clair Chamber of Commerce Beer and Wine Fest- Council received a memorandum from Police Chief Raker requesting that Council approve a special event permit from the St. Clair Chamber of Commerce to conduct the 5th Annual Beer and Wine Fest on June 6, 2020. The applicant has complied with the necessary requirements of the Special Events Ordinance and issuance of the permit is respectfully recommended.

Kindsvater moved, McCartney seconded, CARRIED, to approve the special event permit as recommended.

Approve Vendor Hour Extension- Council received a memorandum from Clerk Sturdy requesting Council extend vendor hours to 11:00pm for the special event on June 6, 2020.

LaPorte moved, Kuffa seconded, CARRIED, to approve the extension of vendor hours.

CLAIMS AND ACCOUNTS – January 23 & January 30, 2020

Check registers listing the bills for the period ending January 23, 2020 (check numbers 49522-49549) in the amount of \$43,422.02 and the period ending January 30, 2020 (check numbers 49550-49590) in the amount of \$87,152.39 were presented for Council review.

LaPorte moved, Kuffa seconded, CARRIED, to approve payments of January 23, 2020 and January 30, 2020 Claims and Accounts as presented.

PUBLIC QUESTIONS AND COMMENTS – None

MAYOR AND COUNCILMEMBER COMMENTS AND ANNOUNCEMENTS – Thank you to residents from Woodland Estates. Administration will begin assessment process.

CLOSED SESSION Request granted for Closed Session to Confer with Legal Counsel for the Purpose of Discussing Pending Litigation.

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

At 7:52pm, Council recessed into closed session and resumed regular session at 8:21pm.
No action was taken.

ADJOURNMENT at 8:32pm

Annette Sturdy, City Clerk

Bill Cedar, Jr., Mayor