

**CITY OF ST CLAIR, MICHIGAN
REGULAR COUNCIL MEETING MINUTES
MONDAY, JUNE 15, 2020- 7:00 P.M.**

Meeting Called to Order at 7:00pm by Mayor Cedar in Pavilion #2 at the St. Clair Boat Harbor, 902 S. 2nd Street, St. Clair, Michigan, 48079.

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; Warren Rothe, City Superintendent; Annette Sturdy, City Clerk.

AUDIENCE: There were 7 people in attendance.

AGENDA AMENDMENT- Mayor recommended to add Item 4.5 Presentation. Kindsvater moved, Kuffa seconded, CARRIED, to amend agenda as requested.

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

A. City Council Minutes of June 1, 2020 Regular Meeting: Approved

B. Zoning Board of Appeals Minutes of November 20, 2019 Meeting: Received

PRESENTATION- Jessica Guyor, St. Clair County Endowment Fund, presented Trice Hawkins, Recreation Director, grant awards towards landscaping and banners.

ORDINANCES AND RESOLUTIONS

Emergency Ordinance Introduction and Adoption (2020-04) Establish Social Districts- **ORDINANCE NO. 2020 – 04 CITY OF ST. CLAIR COUNTY OF ST. CLAIR, MICHIGAN AN EMERGENCY ORDINANCE OF THE CITY OF ST. CLAIR, ST. CLAIR COUNTY, MICHIGAN TO TEMPORARILY SUSPEND ENFORCEMENT OF APPENDIX B OF THE CITY’S CODE OF ORDINANCES “ZONING,” ARTICLE 8B “DOWNTOWN REDEVELOPMENT DISTRICT,” SECTION 31 “SPECIAL APPROVAL USE PROVISIONS,” SUBSECTION 1 “OUTDOOR OR SIDEWALK CAFE,” AS WRITTEN, THROUGH OCTOBER 31, 2020, AND TO ADOPT TEMPORARY REGULATIONS ALLOWING ADMINISTRATIVE APPROVALS FOR SUCH SPECIAL APPROVAL USES DURING THIS INTERIM PERIOD. THE CITY OF ST. CLAIR ORDAINS: SECTION 1. ENACTING CLAUSE.** Section 8.31.1 of the City Code of Ordinances, as written, is hereby temporarily suspended through October 31, 2020. The following emergency ordinance is adopted under Section 5.10(a) of the City Charter to establish temporary regulations and to provide for the administration, enforcement and extension thereof. **SECTION 2. DECLARATION OF EMERGENCY.** City Council, by adoption of this emergency ordinance, determines that an emergency exists at the time of adoption, as described below: Public Health: The spread of COVID-19 is a demonstrated a public health threat, as illustrated by the World Health Organization’s March declaration of a pandemic; the President’s March declaration of a National Emergency; and the Governor’s March declaration of a state of emergency. Economic Impact: The restrictions placed on public life in St. Clair have caused severe hardships to many businesses and citizens in the City, by limiting or closing businesses for significant periods of time. Continuing Emergency: The threat posed by COVID-19 likely presents an ongoing emergency until a vaccine has been developed or a significant portion of the population has developed immunity.

SECTION 3. PURPOSE. The purpose of this emergency ordinance is to:

1. Meet a public emergency affecting public health, safety and welfare related to the COVID-19 pandemic;
2. Promote community welfare by encouraging business operations and employment in a safe manner;
3. Mitigate the harmful effects of the COVID-19 pandemic in the City;
4. Provide guidance for businesses and staff in applying this emergency ordinance;
5. Allow a more timely administrative response and approval processes than is otherwise available through existing City ordinances, resolutions, or processes;
6. Ensure equal protection and due process for all parties availing themselves of this emergency ordinance and those parties who may face potential negative impacts from the application of this emergency ordinance.

SECTION 4. SCOPE. The scope of this emergency ordinance is outlined below:

1. Period. All approvals granted under this emergency ordinance shall be effective until October 31, 2020.
2. Conflicting Ordinances or Resolutions. While this emergency ordinance is effective, it shall be controlling wherever it conflicts with other ordinances or resolutions and those conflicting provisions shall be suspended; specifically, Section 8.31.1 of the City's Zoning Ordinance. This emergency ordinance shall not prohibit any entity from applying for approvals using those ordinances or resolutions, if they so prefer.
3. Establishment of Rights. Approvals under this emergency ordinance are temporary in nature, expire on October 31, 2020, and do not establish any vested rights.
4. Other Laws. This emergency ordinance does not suspend compliance with applicable state, county, or federal law, except as explicitly stated in this emergency ordinance.

SECTION 5. ESTABLISHING AND DEFINING SOCIAL DISTRICTS. This emergency ordinance establishes Social Districts. A Social District is an outdoor area of public or private property, immediately adjacent to a retail business, a restaurant, or a business licensed to serve alcohol, on which a business owner wishes to serve its customers.

SECTION 6. SOCIAL DISTRICT APPROVAL PROCESS. A. Requirements: Owners/operators of businesses seeking to establish Social Districts for the purpose of outdoor service on public or private property shall:

1. Provide a to-scale drawing to administration of the proposed Social District, including any proposed encroachment into publicly-owned property or a public right-of-way.
2. Obtain approval from administration for any such encroachment.
3. Provide waste receptacles.
4. Remove garbage and litter of the cafe; and all property within 100 feet within one hour of close of business.
5. Continually clean tables of plates, cutlery, glasses and food products.
6. Provide liability insurance naming the City of St. Clair as an additional insured as approved by City Council where the proposed Social District encroaches on publicly-owned property.
7. Agree to indemnify, hold harmless and to defend, at the sole expense of the operator/owner, any action brought against the City based upon the creation of a Social District on publicly-owned property. The operator/owner shall indemnify and reimburse the City for any judgment for damages, court costs and attorneys' fees that the City may be required to pay as a result of such action. The City, at its sole discretion, may participate in the defense of any such action, but such participation shall not relieve operator/owner of the obligations of this condition. Commencement of construction or operations under this permit shall be deemed to be acceptance by operator/owner of all conditions of this permit.

8. Abide by any further conditions or requirements imposed by City administration to support public health amidst the COVID-19 pandemic or to encourage the economic and social health of the City.
- B. Approvals: City administration shall not unreasonably withhold approval for outdoor or sidewalk cafes under this subsection. A determination on approval shall be made following a review by the Superintendent, the Building Official, and the Chief of Police.
- C. Appeals. Appeals from decisions made in the administration of this emergency ordinance shall be heard and decided by City Council.

SECTION 7. SEVERABILITY. This Ordinance and each of the various parts, sections, subsections, sentences, phrases, and clauses hereof are declared to be severable. If any part, section, subsection, sentence, phrase, or clause is determined to be invalid or unenforceable by a court of competent jurisdiction, it is hereby provided that the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect. **SECTION 8. RATIFICATION.** All other provisions of the code of Ordinances of the City of St. Clair, Michigan are hereby expressly ratified and affirmed.

SECTION 9. PUBLICATION. This Ordinance shall be published in accordance with the terms, provisions, and requirements of the City Charter of the city of St. Clair, Michigan, and in accordance with and to the extent required by the statutes of the State of Michigan. **SECTION 10. EFFECTIVE DATE.** This Ordinance shall take immediate effect in accordance with the provisions of Section 5.10 of the City Charter of the City of St. Clair, where it has been enacted to meet a public emergency affecting life, health, property or the public peace; to wit, addressing zoning issues impacting the City's support of local businesses in response to the COVID-19 pandemic.

Kindsvater moved, Ellery seconded, CARRIED (LaPorte abstained), to introduce and adopt Ordinance (2020-04) as presented.

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

ORDINANCE INTRODUCED AND ADOPTED

Kindsvater moved, Kuffa seconded, to hold a special meeting on Monday, June 22 @ 7pm at City Hall to discuss further options to help local businesses.

REPORTS FROM ADMINISTRATION

City Superintendent – Update provided on storm sewer lining. Community Funding has been secured for the TAP grant for Clinton Avenue bike path. Auto-pay for utility and tax bills is available on-line. Everyone is encouraged to fill out the 2020 census. RFP's for water plant improvements are being reviewed.

City Attorney- None

City Departments- None

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

UNFINISHED BUSINESS – None

NEW BUSINESS

St. Clair Parks and Recreation Commission 2020 Local Millage Distribution of Funds- Per a memorandum, City Superintendent Warren Rothe advised that the city is eligible to receive \$25,751.00 from distribution of St Clair County Parks and Recreation Local Millage Funds for 2020. An annual funding request must be submitted to the county along with a stated use before the money is released.

Kindsvater moved, McCartney seconded, CARRIED, to approve the 2020 St. Clair County Parks and Recreation Local Millage Distribution Request.

Approve Parks and Recreation Concerts in the Park- Council received a memorandum from Police Chief Raker requesting that Council approve July 10, 17, 24 and 31st for the St. Clair Recreation Department summer outdoor concert series and July 21st for an outdoor movie night. All the necessary documents have been received and issuance of the permit is respectfully recommended.

Kuffa moved, LaPorte seconded, CARRIED, to approve event dates as requested.

The St. Clair Chamber of Commerce will also host concerts Saturdays in August. St. Clair is partnering with the city of Port Huron and Marysville to distribute 'Recreation on the Go' bags. St. Clair pick up will be Tuesdays between 10am-11am at Greig Park.

Approve 2020 HMA Street Improvements Program bid proposal-

McCartney moved, LaPorte seconded, CARRIED, to approve bid and award project to Murray Underground Systems in the amount of \$699,882.00 as recommended by AEW.

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

Nays: None

Members of council discussed a sidewalk repair program.

Approve St. Clair Highway paving project bid proposal-

LaPorte moved, Ellery seconded, CARRIED, to approve the bid and award project to Raymond Excavating in the amount of \$57,725 plus the performance bond as recommended by administration.

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

Nays: None

Approve purchase of police vehicle equipment-

Kuffa moved, Kindsvater seconded, CARRIED, to approve purchase in the amount of \$11,544.23

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

Nays: None

CLAIMS AND ACCOUNTS – June 4 & June 11, 2020

Check registers listing the bills for the period ending June 4, 2020 (check numbers 50362-50393) in the amount of \$77,870.58, and the period ending June 11, 2020 (check numbers 50394-50457) in the amount of \$191,176.23 were presented for Council review.

LaPorte moved, Kuffa seconded, CARRIED, to approve payments of June 4 and June 11, 2020 Claims and Accounts as presented.

PUBLIC QUESTIONS AND COMMENTS – Questions heard on crack-sealing schedule and Klecha Park bathrooms. Compliment received for crosswalks and signs on M29.

MAYOR AND COUNCILMEMBER COMMENTS AND ANNOUNCEMENTS – Special meeting to be held Monday, June 22, 2020 @7pm at City Hall. Thank you to CTV for being accessible.

ADJOURNMENT at 7:44pm

Annette Sturdy, City Clerk

Bill Cedar, Jr., Mayor