

**CITY OF ST CLAIR, MICHIGAN
REGULAR COUNCIL MEETING MINUTES
MONDAY, MAY 17, 2021- 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 Kindsvater, Klieman, Kuffa, LaPorte, Paul, Volz

ABSENT: None

ADMINISTRATION: James T. Downey, Kane, Clemons, Joachim & Downey; Amy Hart, Accountant; Timothy Raker, Police Chief; Warren Rothe, City Superintendent; Annette Sturdy, City Clerk.

AUDIENCE: There were 5 people in attendance.

AGENDA AMENDMENT-Kindsvater moved, Kuffa seconded, CARRIED, to approve the Mayoral recommendations to add Ordinance Introduction (2021-03), Ordinance Introduction (2021-04) and New Business items E) Special land use and F) special event permit approval.

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

- A. City Council Minutes of May 3, 2021 regular & closed Meetings: Approved
- B. Planning Commission Minutes of April 19, 2021 Meeting: Received

ORDINANCES AND RESOLUTIONS

Resolution (21-18) Quarterly Budget Adjustments- **RESOLUTION AMENDING 2020-21 ANNUAL BUDGET BE IT RESOLVED**, that the revised list of expenditures for the 2020-2021 budget, attached as "Exhibit A" to this Resolution, be approved effective immediately.

Kuffa moved, LaPorte seconded, CARRIED, to adopt Resolution (21-18) as presented.

Ayes: Klieman, Kuffa, LaPorte, Paul, Volz, Kindsvater, Cedar

Nays: None

RESOLUTION DECLARED ADOPTED

Resolution (21-19) Rescind Water Moratorium- **RESOLUTION TO RESCIND RESOLUTION 20-09 IN FULL. 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 17th day of May, 2021 at 7:00 PM. **WHEREAS**, on April 8, 2020, the City Council adopted Resolution 20-09 ("Resolution"); and **WHEREAS**, the Resolution, among other things, declared a moratorium on the imposition of all late fees and costs associated with non-payment of water bills; and **WHEREAS**, City Code Chapter 26, Article II, Section 26, Subparagraphs (e) and (f) grant to City Council the authority to review the charges, rates, fees, rules, and regulations of the system and to determine the proportionality, fairness, and benefits of charges, rates, and fees imposed in connection with City water service; **NOW, THEREFORE**, it is hereby **RESOLVED** by the City Council of St. Clair, County of St. Clair, State of Michigan, as follows:

1. That the St. Clair City Council hereby rescinds Resolution 20-09 in full.
2. That the St. Clair City Council hereby reinstates the assessment of all late fees and costs associated with non-payment of water effective with the billing cycle beginning June 1, 2021.

Kindsvater moved, Volz seconded, CARRIED, to adopt Resolution (21-19) as presented.
Ayes: Kuffa, LaPorte, Paul, Volz, Kindsvater, Klieman, Cedar
Nays: None

RESOLUTION DECLARED ADOPTED

Ordinance Introduction (2021-03)-Adaptive Reuse Section 4.6- **AN ORDINANCE OF THE CITY OF ST. CLAIR, ST. CLAIR COUNTY, MICHIGAN TO AMEND APPENDIX B OF THE CODE OF ORDINANCES, “ZONING;” ARTICLE 4, “ZONING DISTRICT REGULATIONS;” SECTION 4.5, “SCHEDULE OF USE REGULATIONS;” SUBSECTION 9“C-1–LOCAL COMMERCIAL DISTRICT;”BY ADDING SUBPARAGRAPH 4 TO THE SECTION ENTITLED “SPECIAL USES.”**

THE CITY OF ST. CLAIR ORDAINS: SECTION 1. AMENDMENT. Appendix B, Article 4, Section 4.5.9 of the City’s Code of Ordinances, the Zoning Ordinance, is hereby amended by adding subparagraph 4 to the section entitled “Special Uses” to read as follows: ARTICLE 4. – ZONING DISTRICT REGULATIONS.

SECTION 4.5.9 – C-1—Local Commercial District. *Special Uses*:

4. Neighborhood micro-storage, provided the following conditions are met:

- a. Storage is contained in a climate-controlled building. Exterior storage of products, material, vehicles, boats, equipment and similar items is prohibited.
- b. Property shall be located on a major or minor thoroughfare as designated by the Master Plan.
- c. Access shall be from a major or minor thoroughfare as designated by the Master Plan
- d. Minimum lot area shall be 5,400 square feet.
- e. A six (6) foot tall screen using a fence, landscaping, berm, combination of or other appropriate method shall be constructed around the perimeter of the development, as approved by the Planning Commission.
- f. Areas intended for vehicle travel shall be paved with asphalt or concrete.
- g. Site development shall be compatible with surrounding area.

LaPorte moved, Kuffa seconded, CARRIED, to introduce Ordinance (2021-03) as presented.
Ayes: LaPorte, Paul, Volz, Kindsvater, Klieman, Kuffa, Cedar
Nays: None

ORDINANCE INTRODUCED

Ordinance Introduction (2021-04)- **AN ORDINANCE OF THE CITY OF ST. CLAIR, ST. CLAIR COUNTY, MICHIGAN TO AMEND APPENDIX B OF THE CODE OF ORDINANCES, “ZONING;” ARTICLE 4, “ZONING DISTRICT REGULATIONS;” SECTION 4.6, “ADAPTIVE REUSE;” BY REVISING SUBSECTION 3 “SPECIAL APPROVAL USES ALLOWED.” THE CITY OF ST. CLAIR ORDAINS: SECTION 1. AMENDMENT.** Appendix B, Article 4, Section 4.6.3 of the City’s Code of Ordinances, the Zoning Ordinance, is hereby amended by revising subparagraph 3 “Special Approval Uses Allowed” to read as follows: ARTICLE 4. – ZONING DISTRICT REGULATIONS.

SECTION 4.6 – Adaptive Reuse.

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

Any use permitted or special use allowed in the R-3, MD-1, MD-2, OS and C-1 zoning districts except for planned shopping centers and vehicle wash establishments.

Design standards applied to a use within the zoning ordinance shall be met unless waived or modified by city council after review and recommendation by the planning commission.

Any use similar to a use listed above, as determined by the planning commission and city council.

LaPorte moved, Volz seconded, CARRIED, to introduce Ordinance (2021-04) as presented.
Ayes: Paul, Volz, Kindsvater, Klieman, Kuffa, LaPorte, Cedar
Nays: None

ORDINANCE INTRODUCED

REPORTS FROM ADMINISTRATION

City Superintendent – The Carney Drive grant application remains under review.

City Attorney- None

City Departments- Clerk Sturdy thanked Council and administration for continued support of education and training. “Be a Tourist in Your Own Town” is May 22, 2021 with the grand opening of the new website stclairontheriver.com. Chief Raker thanked Council and administration for support for Police Week and shared a thank you from a homeowner whose home burned down. Drug take back day was conducted in April (5lbs collected).

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

UNFINISHED BUSINESS

NEW BUSINESS

Schedule public hearing for Industrial Facilities Exemption Certificate-1811 Range Rd-
Kuffa moved, Kindsvater seconded, CARRIED, to schedule the public hearing for June 7, 2021 @7pm.

Award Bid for Goffe Street Reconstruction Project-

Kuffa moved, Cedar seconded, CARRIED, to award the bid with alternates 1, 3 and 4 to Murray Underground Systems, Inc in the amount of \$763,015.75.

Ayes: Volz, Klieman, Kuffa, LaPorte, Paul, Cedar

Nays: Kindsvater

A contract modification to award alternate bid #2 is allowable in the future.

Approve special event permit for Hope Floats Poker Paddle- Council received a memorandum from Police Chief Raker requesting that Council approve a special event permit for Diane Hintz to conduct Hope Floats Poker Paddle at the Harbor and in the Pine River on Saturday, July 17, 2021. 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 recommended.

Approve temporary outdoor service application from Voyager- Council received a memorandum from Police Chief Raker requesting that Council approve a special event permit for the Voyager to allow outdoor service during the 2021 Offshore Boat races July 29-August 1, 2021. The applicant has complied with the necessary requirements of the Special Events Ordinance and issuance of the permit is respectfully recommended.

Volz moved, Kindsvater seconded, CARRIED (LaPorte abstained), to approve the application as recommended.

Approve recommendation from Planning Commission –

LaPorte moved, Kindsvater seconded, CARRIED, to approve the special land use for adaptive reuse of Eddy School for the purpose of multiple family residential, office spaces, catering, health

and fitness center and day care center for Lot 64 (Eddy Elementary) only with a condition on site plan approval being given by the Planning Commission for parcel #74-07-053-0026-000 only.

Approve special event permit for St. Mary's Processional- Council received a memorandum from Police Chief Raker requesting that Council approve a special event permit for St. Mary's Catholic Church to conduct a Corpus Christi processional on June 6, 2021. 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 recommended.

CLAIMS AND ACCOUNTS – May 6 & May 13, 2021

Check registers listing the bills for the period ending May 6, 2021 (52281-52308) in the amount of \$516,598.11 and for the period ending May 13, 2021 (52309-52353) in the amount of \$230,779.79 and credit card statements were presented for Council review.

LaPorte moved, Kindsvater seconded, CARRIED, to approve payments of May 6 & May 13, 2021 Claims and Accounts as presented.

PUBLIC QUESTIONS AND COMMENTS – None

MAYOR AND COUNCILMEMBER COMMENTS AND ANNOUNCEMENTS – The Recreation Commission & Cemetery Board needs Council representation. A Capital improvement workshop to discuss the 6-year plan was suggested. The Historical Museum hours have been extended. Special events: 5/23/21 @3pm-St. Clair Middle and High School band concerts.

Kuffa moved, LaPorte 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), Pending Litigation and Confidential Attorney-Client Communication concerning a Legal Opinion from Counsel.

Ayes: Kindsvater, Klieman, Kuffa, LaPorte, Paul, Volz, Cedar
Nays: None

At 7:58pm, Council recessed into closed session and resumed regular session at 9:03pm.
No action taken.

ADJOURNMENT at 9:04pm

Annette Sturdy, City Clerk

Bill Cedar, Jr., Mayor