

**CITY OF ST CLAIR, MICHIGAN
REGULAR COUNCIL MEETING MINUTES
MONDAY, JUNE 21, 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: 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 14 people in attendance plus a court reporter.

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

- A. City Council Minutes of June 7, 2021 regular meeting: Approved
- B. Planning Commission Minutes of May 12, 2021: Received

PUBLIC HEARING

Drinking Water State Revolving Fund (DWSRF)- Mayor Cedar opened the hearing at 7:00pm. Court reporter present. Fishbeck attended virtually and presented the project plan, including, but not limited to, expected improvements, repairs, replacements, social and environmental impacts and mitigation measures. Estimated cost of the project is \$8,956,000. Estimated cost to users is dependent on loan terms and range from approximately \$1.31-\$1.74 per 1,000 gallons used. Cost will be allocated equally between residential, commercial and industrial. Estimated timeline of construction is approximately 2 years. Questions and discussion from Council included funding options if EGLE loan isn't awarded, cost and funding options for possible use of a different compound and contingency costs. No questions or comments heard from the public. Hearing closed at 7:28pm.

ORDINANCES AND RESOLUTIONS

Resolution (21-22)- DWSRF Water System improvement final project plan- **DRINKING WATER STATE REVOLVING FUND FINAL PROJECT PLAN ADOPTION AND DESIGNATION OF AUTHORIZED PROJECT REPRESENTATIVE WHEREAS**, the City of St. Clair recognizes the need to make improvements to its existing water treatment and distribution system; and **WHEREAS**, the City of St. Clair authorized Fishbeck to prepare a Project Plan, which recommends the construction of improvements to the St. Clair water treatment plan to replace aging equipment and improve process performance; **WHEREAS**, said Project Plan was presented at a Public Hearing held on June 21, 2021 and all public comments have been considered and addressed: **NOW THEREFORE BE IT RESOLVED**, that the City of St. Clair formally adopts said Project Plan and agrees to implement the selected alternative to optimize the existing facilities. **BE IT FURTHER RESOLVED**, that the City Superintendent, a position currently held by Warren Rothe, is designated as the authorized representative for all activities associated with the project referenced above, including the submittal of said Project Plan as the first step in applying to the State of Michigan for a Drinking Water Revolving Fund Loan to assist in the implementation of the selected alternative.

Kindsvater moved, LaPorte seconded, CARRIED, to adopt Resolution (21-22) as presented.

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

Nays: None

RESOLUTION DECLARED ADOPTED

Resolution (21-23) Charter Amendments ballot proposal-
Kindsvater moved, LaPorte seconded, CARRIED, to table Resolution (21-23).

Resolution (21-24) Alcohol on Public Property- A RESOLUTION TO PERMIT THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN CERTAIN PUBLIC PLACES PURSUANT TO CITY CODE SECTION 38-33(B) WHEREAS, Public Act 58 of 1998, the Michigan Liquor Control Code, MCL Section 436.1915 allows for the lawful possession and consumption of alcoholic liquor in public parks and places and for municipal governments to legislate restrictions on same; and **WHEREAS**, the City of St. Clair has availed itself of the right established by MCL Section 436.1915(3) to prohibit the possession or consumption of alcoholic beverages on public property by the adoption of Code Section 38-33(a) and **WHEREAS**, the City of St. Clair has reserved the right pursuant to Code Section 38-33(b) to permit the possession or consumption of alcoholic beverages by resolution of City Council upon or in public places when it determines that a state liquor license is not required and may promulgate such regulations therefor as it determines are necessary; and **WHEREAS**, the City of St. Clair desires to provide an opportunity for all persons of legal-age to possess and consume alcoholic beverages outdoors on specific City-owned or operated property (including parks) and public rights-of-way throughout the City by temporarily suspending the enforcement of the prohibition established by Code Section 38-33(a) as to the possession and consumption of alcoholic beverages in public places and determines same is in the public interest and serves an important civic purpose in encouraging commerce in the City; **NOW, THEREFORE, BE IT RESOLVED**, that the possession and consumption of alcoholic beverages shall be allowed from 3:00pm to 10:00pm Wednesday through Saturday and 12:00pm to 6:00pm on ~~Sundays~~ 11:00 a.m. to 11:00 p.m. Monday through Saturday and 12:00 p.m. to 11:00 p.m. on Sundays, effective immediate through September 30, 2021 at the following public places.

Palmer Park, including all city-owned parking lots and boardwalks from the M-29 bridge to the northern border of the park, and Rotary Park
Third Street between Clinton and Vine
Clinton Avenue between 6th and M-29
M-29 between Clinton and Vine

Motion made to adopt Resolution (21-24) as presented. Discussion occurred
Volz moved, LaPorte seconded, CARRIED, to amend motion to adopt Resolution (21-24) with the change of time to 11:00am to 11:00pm Monday through Saturday and 12:00pm to 11:00pm on Sundays, but otherwise as presented.

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

Nays: Klieman

RESOLUTION DECLARED ADOPTED

Ordinance Introduction (2021-05) Zoning-Day Care/Group homes- 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 1"R-1 and R-1A SINGLE FAMILY RESIDENTIAL DISTRICTS;"BY AMENDING SUBPARAGRAPH 7 TO THE SECTION ENTITLED "SPECIAL USES." THE CITY OF ST. CLAIR ORDAINS: SECTION 1. AMENDMENT.

Appendix B, Article 4, Section 4.5.1 of the City's Code of Ordinances, the Zoning Ordinance, is hereby amended by amending subparagraph 7 to the section entitled "Special Uses" to read as follows:
ARTICLE 4. – ZONING DISTRICT REGULATIONS.

SECTION 4.5.1 – R-1 and R-1A Single Family Residential Districts. *Special Uses:*

7. Family and group day care homes, provided the following conditions are met:

Licensing. In accordance with applicable state laws, all child day care homes shall be registered with or licensed by the State of Michigan, and shall comply with the standards outlined for such facilities.

Outdoor play area. There shall be sufficient outdoor play area to meet State regulations in the rear

yard area of the day care home premises.

Pick-up and drop-off. Adequate areas shall be provided for employee and resident parking, and pick-up and drop-off of in a manner that allows maneuvers without affecting traffic flow on the public street.

Separation Requirements. New family or group day care homes shall be located a minimum of one thousand five hundred (1,500) feet from another family or group day care home, as measured between the nearest points on the property lines of the lots in question. The Planning Commission may permit a smaller separation between such facilities upon determining that such action will not result in an excessive concentration of such facilities in a single neighborhood, or the city overall.

Planning Commission unanimously recommended council approve Ordinance (2021-05) as presented and including the amendment of subparagraph 7 to Appendix B.

Kindsvater moved, Kuffa seconded, CARRIED, to introduce Ordinance (2021-05) as recommended.

ORDINANCE INTRODUCED

REPORTS FROM ADMINISTRATION

City Superintendent – None

City Attorney- None

City Departments- None

Authority, Board, Commission, Committee Chairman or Council Representative – Council accepted with regrets the resignation of Rick Schweihofner from Housing Commission. Interested residents to fill the vacancy can apply at City Hall.

UNFINISHED BUSINESS - None

NEW BUSINESS

St. Clair Parks and Recreation Commission 2021 Local Millage Distribution of Funds- Per a memorandum, City Superintendent Warren Rothe advised that the city is eligible to receive \$26,737.00 from distribution of St Clair County Parks and Recreation Local Millage Funds for 2021. An annual funding request must be submitted to the county along with a stated use before the money is released.

Kindsvater moved, Paul seconded, CARRIED, to approve the 2021 St. Clair County Parks and Recreation Local Millage Distribution Request.

Approve special land use-Micro Storage- Planning Commission unanimously recommended Council approve the special land use for property located at 1204 S Riverside Ave, 74-07-091-0053-001, changing the privacy fence from an 8' privacy fence to a vinyl 6' privacy fence on the print on the west property line and the south property line from the southwest corner to Lot 94.

14 units, less than 2500 square feet, and there needs to be 2 sheets of drywall.

Kindsvater moved, Kuffa seconded, CARRIED, to approve special land use as recommended.

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

Nays: None

Approve special land use-Theater and outdoor patio- Planning Commission unanimously recommended Council approve the special land use for the Riverbank Theater with conditions:

- Planning Commission considers this Theater to be listed as a civic building
- Patio at the east end of the building be allowed to hold outside performances
- 350 seat capacity
- Hours of operation to be between 7am and midnight, 7 days a week, 12 months a year
- Planning Commission to get verification stating 60 parking spaces allocated for the Theater use.

Kuffa moved, Kindsvater seconded, CARRIED, to approve special land use as recommended.

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

Nays: None

Approve Proposal for Professional Services-Fred W Moore Highway Reconstruction-

Kuffa moved, Kindsvater seconded, CARRIED, to table approval pending receipt of proposal to extend project to railroad tracks.

Approve Proposal for Professional Services-Carney Drive Resurfacing-
Kindsvater moved, LaPorte seconded, CARRIED, to approve proposal for Professional services from AEW, in the estimated amount of \$443,356.00.

Approve Temporary Sign permit –
Kindsvater moved, Kuffa seconded, CARRIED (Paul abstained), to approve temporary sign permit as requested by the St. Clair Chamber of Commerce.

Approve Special Event Permit BWORA Offshore Races - Council received a memorandum from Police Chief Raker requesting that Council approve a special event permit for the Blue Water Offshore Racing Association to hold offshore powerboat racing 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.
Kindsvater moved, Kuffa seconded, CARRIED, to approve special event application as presented.

Approve Lease for BWORA
Kuffa moved, Kindsvater seconded, CARRIED, to approve lease as presented.
Ayes: Paul, Volz, Kindsvater, Klieman, Kuffa, LaPorte, Cedar
Nays: None

Extend Vendor hours 7/30-7/31-
Kindsvater moved, Paul seconded, CARRIED, to approve extension of vendor hours to 11pm on July 30 and July 31, 2021 as requested.

Approve Special Event Permit Riverbank Youth Theatre- Council received a memorandum from Police Chief Raker requesting that Council approve a special event permit for the Riverbank Youth Theatre to hold youth theater camp in Palmer Park August 9-14, 2021. The applicant has complied with the necessary requirements of the Special Events Ordinance and issuance of the permit is respectfully recommended.
Kindsvater moved, Volz seconded, CARRIED, to approve special event application as presented.

Approve Special Event Permit Rotary Club Turtle Race- Council received a memorandum from Police Chief Raker requesting that Council approve a special event permit for the St. Clair Rotary Club to hold a Turtle Race in the Pine River on August 29, 2021. The applicant has complied with the necessary requirements of the Special Events Ordinance and issuance of the permit is respectfully recommended.
LaPorte moved, Paul seconded, CARRIED, to approve special event application as presented.

Approve Traffic Control Order - Chief Raker recommended signs for “No Parking unless loading and unloading” on 5th street from Pine Street to the Pine River.
Kuffa moved, Kindsvater seconded, CARRIED, to approve the traffic control order.

CLAIMS AND ACCOUNTS – June 10 & June 17, 2021

Check registers listing the bills for the period ending June 10, 2021 (check numbers 52472-52528) in the amount of \$168,327.52 and for the period ending June 17, 2021 (check numbers 52529-52567) in the amount of \$82,648.01 and were presented for Council review.

LaPorte moved, Kindsvater seconded, CARRIED, to approve payments of June 10 and June 17, 2021 Claims and Accounts as presented.

PUBLIC QUESTIONS AND COMMENTS – None

MAYOR AND COUNCILMEMBER COMMENTS AND ANNOUNCEMENTS – Special events:
7/4/21 Fireworks celebration and Rockin’ in the Plaza live music concerts May -September.

CLOSED SESSION – LaPorte 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, and to Confer with Legal Counsel for the purpose of Discussing Pending Litigation.

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

At 8:29pm, Council recessed into closed session and resumed regular session at 9:05pm.

Kindsvater moved, Kuffa seconded, CARRIED, to grant authority to the Superintendent to sign the consent agreement on the Magna petition.

ADJOURNMENT at 9:06pm

Annette Sturdy, City Clerk

Bill Cedar, Jr., Mayor