

# Harbor Commission

## Regular Meeting Minutes

Tuesday, March 17, 2015, 5:30 p.m.  
Council Chambers, South Haven City Hall



City of South Haven

### 1. Call to Order by Arnold at 5:30 p.m.

Present: Reineck, Stephens, Sullivan, Arnold  
Absent: Pyle, Stegeman, Silverman

### 2. Approval of Agenda

Motion by Stephens, second by Sullivan to approve the February 17, 2015 Regular Meeting Agenda.

All in favor. Motion carried.

### 3. Approval of Minutes: February 17, 2015 Regular Meeting

Motion by Reineck, second by Stephens to approve the February 17, 2015 regular meeting minutes as written.

All in favor. Motion carried.

### 4. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda

There were none.

### 5. Marina Reports

VandenBosch reviewed the Marina Reports, noting year-to-date revenue, expenses and cash and investment balances.

### 6. Tour Boat

VandenBosch introduced the item by pointing out that he has put together a staff report and resolution and at the last minute had included a proposal by Abonmarche Engineering to design and bid improvements to make possible the dockage of vessels in the expansion area indicated. VandenBosch also noted that at this time, looking at the Abonmarche proposal, and at what we are proposing to do, VandenBosch requested the removal of the Abonmarche proposal. The reason is that city staff thinks the installation of electric pedestals

and installation of railings and gates can be done in-house if this is approved. Therefore, VandenBosch wanted to be up front regarding the resolution, that staff is not recommending the approval of the Abonmarche proposals in the resolution at this time.

VandenBosch gave an overview of the request before the Harbor Commission. "We have a tour boat that would like to rent space from the South Side Marina; the west end of the deck area, which is a public deck area." VandenBosch noted that staff is not asking in any way to take away the public access to this deck; that should continue, but the marina would like to use that area as a headwall/marina dockage and the city has a request to use the west forty (40) feet of that for a tour boat. That request is from Chad Bard of IT-IL-DO Charters, LLC, the same company that leases a slip from the city for charter fishing.

VandenBosch explained that whether this area is used as transient marina or used for the tour boat we have to apply to the Department of Environmental Quality (DEQ) for a permit to expand our marina; for the tour boat, we would have to also go to the Department of Natural Resources (DNR) for permission to allow a commercial use in an area of the marina that is designated for transient use. VandenBosch indicated that he does not foresee any problem with obtaining those permissions, but it is a step that has to be gone through.

To clarify his reasons for not recommending the Abonmarche proposal, VandenBosch pointed out to the Commissioners the handout prepared by the city's GIS Tech, showing the harbor, with the red lines indicating the harbor lines. VandenBosch indicated that this map is not a survey, but it does make it clear that the harbor lines run right up against the dock that is under discussion. What that means is that it is very possible that pilings will not be able to put in the water, which was part of the original proposal. "If you look at Abonmarche's proposal, they indicated \$4,500 to do the survey and identify the location of the harbor lines." VandenBosch noted. "That seems quite expensive when instead of that staff can just use the existing deck, installing electric pedestals and cutting gate openings in the railing that can be closed." VandenBosch pointed out that this would be a relatively simple process and not something that we would not need to get Abonmarche involved with.

VandenBosch suggested that as the Commission looks through the packet we do have a proposal from IT-IL-DO Charters; we have been following our city's commercial use policy which was looked at by Harbor Commission and approved by City Council. The description of the boat is 40' by 14'; a United States Naval Launch boat, pictures are included in the packet, as well as a license agreement on page twenty-six (26) drawn up by the city attorney based on previous license agreements the city has and which Chad Bard has had a chance to review.

VandenBosch also indicated that he has included an application for a Department of Environmental Quality (DEQ) permit but would remove any reference to installation of spring pilings, based on his previous explanation, which reduces the request to use an existing deck area, installing electric pedestals and creating gated openings in the railings.

VandenBosch suggested that the Commission hear from Chad Bard regarding his proposal and pointing out that the resolution prepared for you could be used, recommending the striking of any reference to the proposal from Abonmarche. VandenBosch also clarified that while the resolution is for Harbor Commission, it is a recommendation to City Council; this is a City Council decision. If recommended by the Commission, VandenBosch would just remove the Abonmarche proposal and send it City Council absent that reference.

In response to VandenBosch's request for questions, Stephens asked, "What would be the public benefit of allowing public dock space in a prime location in the city harbor?" While asking that Bard also address this question, VandenBosch did say that it would be a public attraction for visitors and residents, a way to get outdoors, to get out on the water even if one does not own a boat, indicating that those would be general benefits of having a tour boat operation.

Stephens asked the cost of the DEQ and Department of Natural Resources (DNR) permits, to which VandenBosch responded that the DEQ is five hundred dollars (\$500) and that he does not believe there is a cost associated with the DNR approval.

Reineck noted that the Commission has discussed having something like this within the past year; this proposal is on a smaller scale, a little more realistic. Following the same line of reasoning, Reineck also commented that scaling the project back so it is not so extensive to prepare for such a thing goes along with that same line of reasoning and that if this endeavor does not work, because the agreement is for just one year, the improvements to the head dock could be used for other purposes. Discussion ensued regarding supporting tourism by allowing a different venue than the sailboat to get people out on the water.

Sullivan questioned VandenBosch whether the jet ski rental license had been renewed to which VandenBosch responded that the jet ski rental was not there last year and did not come back for renewal.

Sullivan expressed his concerns with using such a great location for a commercial entity, noting that there could be times when the forty or so passengers would be in that location, perhaps competing with other boaters for that space; would like to keep that area as pristine as possible.

Chad Bard, IT-IL-DO Charters. Stated that this boat is going to do a lot for this town and provide another way besides the sailboat to get out on the water. Sullivan responded that he is in favor of the tour boat but his opposition is the location. Bard noted that the license agreement is written in favor of the city; Bard has agreed to move his boat if the city needs him to and the lease is a year-to-year lease so "if it doesn't work out the lease is only for a year."

Arnold reminded that the location at the South Marina deck has been noted as bad due to storm surges and questioned whether the plan is to keep the boat there full time. Bard responded, "Yes, the boat is built like a tank; has cleats on it; is all reinforced fiberglass;; fireproof; no wood in the boat; built to Navy specifications to be dropped off boats and right itself; it's very sturdy and strong. I'm going to have a rubber rail on it and we shouldn't have any problems with that."

Stephens questioned what Bard is planning to protect the docks from damage by the boat, to which Bard, explaining how the dock is constructed, stated he did not see that there would be any problem of that nature. Stephens noted that surges when the wind is from the west or northwest are significant and her experience with having the Friends Good Will docked there in the past is that there could be damage to the dock. Bard responded that if that appeared to be a problem, which he does not think it will, he could always move the boat to an alternate location. In response to Stephen's questions of whether he has an alternate location, Bard

said while he does not have a specific site in mind, he is sure he could find an alternate location.

Stephens brought up several more questions regarding congestion during festivals and other events; whether granting this request would result in the public perception of favoritism, whether there were other accessible sites and having a boat docked in the Federal channel. Bard responded that others have the same opportunity to make a similar request; that anyone could but he is the one who is going through the steps to do this and the city will benefit from the amount of money it will cost Bard to dock his boat there; that he believes it's going to be good for the tourists, for the townspeople, thinks it's a win-win. Stephens stated the location is her main concern.

Arnold noted that there does not seem to be any favoritism involved, that he likes the idea and sees it as similar to the previous request by the jet ski business. Arnold also noted that if the Commission chooses not to recommend Bard's proposal, the marina manager could rent space out for pleasure boats that come in. Arnold's question, to VandenBosch, was whether there is concern of slipping something over the harbor lines, such as the discussion we had when Joe Wiltgen came forward with his proposal for Admiral Jack's. VandenBosch stated that he would not recommend building anything into the harbor beyond the harbor lines, noting that staff had discussed adding a piling, and stated that the city enforces other developers to stay on their side of the harbor lines so cannot expect any different treatment. VandenBosch explained, in response to Arnold's question about City Council's approval of engineering last evening that the approval was for preliminary engineering to determine whether it is possible to extend the dock toward Lake Michigan, not closer to the harbor lines, with appropriate measure for surge protection and wave attenuation. After a question from Arnold, regarding potential changes in that area violating an agreement with Bard, VandenBosch noted that any such changes are probably years down the road.

Sullivan questioned whether the boat will be over the harbor line to which VandenBosch responded that the boat will be, but it is acceptable for boats to be beyond the harbor line. Sullivan then asked whether the Federal harbor lines are the same as the city harbor lines. VandenBosch noted that the Federal Harbor lines in South Haven are defined as the line to which the Army Corps used to dredge, and it is acceptable for boats to be docked there. Discussion ensued regarding the legality of boats being docked within that area and whether that is a Coast Guard issue, with Stephens saying she will check into it and requesting that VandenBosch do so also.

Sullivan asked for details about the type of boat and refueling, which Bard described as a single engine diesel which he would refuel at All Seasons Marine or the Yacht Club.

Gary Horton, President, Michigan Maritime Museum. Elaborated on the museum as a non-profit, serving the public, with several boats that go upriver or out on the lake, each having a historical background, and noted the short season in which to support keeping a museum going. Noted that it is seldom that the boats are loaded to capacity.

Patti Montgomery-Reinert, Director, Michigan Maritime Museum. Expressed appreciation for Bard's goal of getting people out on the water, noting that is one of the museum's missions. Pointed out that Bard's pricing is less than the museum's pricing, which is very carefully set to cover maintenance and care for the tall ship and other vessels, to keep them safe and a quality exhibition to the public as well as being a boat ride. Montgomery-Reinert also pointed

out the education piece of the museum's mission, noting that while their price is a little higher than Bard's proposes they are also able to get kids out on the water for a lower price due to their price structure. Montgomery-Reinert noted that the city was very good to us (the museum) last year when we faced water depth issues, and let us dock the Friends Good Will in that same spot Bard is proposing to use. Montgomery-Reinert stated, "That's a prime location and the museum could step forward and say we would like to dock there, too." Montgomery-Reinert also pointed out that with the passengers with tickets on their vessels, they incur issues with restrooms and parking, and if Bard has forty-nine (49) passengers going out five (5) times a day, that's around two hundred fifty (250) people; there are going to be issues with restrooms and parking, something that she has not heard mentioned. Montgomery-Reinert reiterated her support for getting people in boats out on the water, but also listed concerns with having places for tall ships and other boats to dock, even though that has not been possible due to low water levels in the recent past. Finally, Montgomery-Reinert promoted the museum's excitement in bringing a historic Cost Guard boat to the harbor and asked the commissioners to consider some of these other things as they look forward to see if there is a way to help each other, for the museum to partner, because of the age and history of the boat Bard is proposing to bring into the harbor.

Bard quoted his charter buddy, noting "There's enough to go around for everybody," and stated, "When there's nobody in town, nobody's busy and when everybody is in town, everybody is busy." Stated that he understands the museum feeling threatened because of his business, but stated that he is not trying to take anything from anyone, or from Friends Good Will. Bard asked, "Am I going to refer people to Friends Good Will?" and stated, "Of course! I refer people to Friends Good Will daily on my charter boat when I'm fishing." Bard feels that he will just be contributing a way for more people to get out on the water; while understanding that the museum is feeling threatened that his business will take away from Friends Good Will. Bard also remarked that if he remembers correctly, the Friends Good Will was never parked where he is proposing to put his boat, that it was on the headwall that is already used, and as far as he can recall that nothing has ever been docked there."

Stephens asked if there is an electric post where Bard is proposing to be, and after learning that there is not, commented that she believes Bard is correct.

Sullivan asked if Bard has planned a route where he will be taking the boat to which Bard responded that he has talked to some of the realtors about taking groups out to view houses from the lake. In response to another question from Sullivan, Bard said he could take the boat up the river if the lake was too rough, but noted that his thought is more to go by the lots and million dollar houses that are listed for sale to allow people to see them from a different perspective and to take people by the clay formations out there near 107<sup>th</sup>. Bard responded to another question from Sullivan explaining that he will be doing coastal tours, within about two (2) miles out and no more than twenty (20) miles from a safe harbor.

Bard also noted that he gets calls all through the season, but particularly during festivals, with people wanting to just go out on a cruise because Friends Good Will is booked up.

Stephens asked where two-hundred fifty (250) people are going to park, noting Bard's letter to the city manager suggests he will be having forty-nine (49) people five (5) times a day. Bard said his customers will probably be mostly walk-ups, the people are already there, his business will be the foot traffic people. Stephens then referred the question to VandenBosch, regarding restroom use and city requirements. VandenBosch stated there are two restrooms

there; festivals are required to provide one restroom per five hundred attendees, that's heavy use. VandenBosch stated he doesn't really know the answer whether that it going to be enough. Bard said he does not think Stephens is looking at the situation from the same eyes as he is and pointed out that when there are already thousands of people during Harborfest, they have already parked, and as far as restrooms, he will be helping the situation, because some of those people can use the restroom on his boat, instead of using the city restrooms. Bard also is planning to work with some of the schools to take classrooms out at a group rate. Discussion ensued again regarding whether or not Bard is going to be taking business from the museum or just taking the overflow. Bard reiterated that most of the year there are not enough people in town, but during those two or three months, there are not enough boats to take everyone that wants to go.

Motion by Reineck to accept the proposal as presented.

Motion failed due to lack of a second.

VandenBosch reminded that if a motion is made, it should be in the form of a recommendation to City Council and clarified that this will go to City Council, which is part of the commercial use policy that the city has, City Council will receive the minutes and see the discussion and the motion and your motion will be very important to them.

Arnold attested that City Council does listen to the advice of the boards and commissions.

After a pause, Arnold moved to Item 7. Grant Applications. VandenBosch clarified that without a motion there is no recommendation to City Council.

Sullivan asked if there could be continued discussion and VandenBosch said that is up to the commission. Arnold stated that discussion could continue.

Sullivan is not in favor of recommending to City Council at this time, thinking that while Bard would like to get this rolling, since spring is coming, but it might take another month for the commission to think this through.

Arnold said his thought was that would give Bard time to address the concerns heard tonight and also give the museum time to think it through, and after further discussion it could be put to a vote. Arnold asked if it is correct that even without a motion, this proposal will move to the next step anyway.

Sullivan asked about a motion to recommend not using that location for a commercial purpose, and then stated that he would make a motion.

Motion by Sullivan to recommend to City Council that this location not be used for this particular charter boat operation. Second by Stephens.

Reineck asked if this motion overrides the previous motion, which Arnold explained was not seconded and therefore died. Sullivan noted that if his motion doesn't pass he would be happy with bringing this back and discussing it next month, explaining that he supports the idea, just not the location and the commission is not here to support the monopoly of the museum. Sullivan remarked, "Competition? Compete! It's about commercial enterprise, free enterprise."

Reineck pointed out that it is not an unappealing vessel and it is not a permanent situation. Sullivan responded that he is not saying it is, but referenced setting precedent. Reineck noted these requests are considered on an individual basis. Sullivan stated that he just does not feel this location should have a commercial enterprise. Reineck noted that the jet ski operation was somewhat commercial. Stephens agreed it was; Sullivan stated he was opposed to the jet ski operation and Arnold corroborated that is correct and noted that the presence of Chad's charter fishing boat there is commercial. Arnold also noted that he believes it is one of the goals of the city to make the south side of the city more of a destination, referring to the proposed splash pads, to get families and kids in that area, down towards the beach, and a tour boat would kind of do that.

Reineck asked if the head docks are extended west, how that space will be used. Arnold stated that was the question we asked and it could be years away. Reineck commented that it is proposed to be a commercial deal, realistically, one could claim not, but realistically, that is what it will be for.

Stephens noted that we, at one time, talked about extending that dock west, to allow docking by cruise vessels on the lakes, so maybe we should revisit extending that dock west for commercial vessel use at some point, stating, "That would be an entirely different discussion." Reineck does not want to keep dodging the current situation, which Stephens agreed does not help our current situation but that we are seeing the need to look at alternate dock space for commercial use on the south side, including tour vessels and cruise vessels.

Bard pointed out that with the amount of money he would be charged to use this space as proposed, which would help the city and the discussion of extending the dock west for commercial use, he does not understand why we cannot get this approved right now. Bard also noted that he does not think it should be about aesthetics; it's a boat and it's a harbor, and it won't be an eyesore, it will be appealing the way we are setting it up. Bard expressed that he cannot understand why there are difficulties, although he does understand the Friends Good Will feeling threatened with competition. Bard asked whether the Friends Good Will docks on a city dock and how much they are paying. It was noted that it is a city dock and VandenBosch stated that the museum pays one dollar (\$1.00) per year. Bard noted he will be paying substantially more, \$7,900 per year. Stephens pointed out that the museum is non-profit and he is for-profit. Bard noted he does not understand all the ins and outs of their project.

Arnold called for a vote on the motion which VandenBosch read:

Recommend to City Council that this location not be used for the charter boat operation.

Ayes: Stephens, Sullivan

Nays: Reineck, Arnold

VandenBosch noted that there is no recommendation for City Council and stated that perhaps the discussion in the minutes may be helpful for City Council.

## **7. Grant Applications**

VandenBosch explained that because the grants' due dates are coming up very quickly, and because of the council meeting on the third Monday and Harbor Commission meeting on the third Tuesday, VandenBosch had to send this to City Council before it came here. The deadline is before April 1 and VandenBosch apologized because this item should have come before the Harbor Commission first but "we have a large number of grant applications based on our Capital Improvement Plan that this board approved in September." VandenBosch noted that some changes did have to be made to fit the criteria and dollar amounts of the grants. VandenBosch reviewed the various grant applications:

Black River Park Driveway Improvements, \$86,000 matching grant from MDNR Waterways Boating Access Infrastructure Grant.

Black River Park Skid Pier, a 25% matching grant, \$12,500 from the Black River Park Fund and \$37,500 from MDNR Michigan Natural Resources Trust Fund. This provides two new skid piers.

Black River Park Restroom Renovation, another 25% matching grant, \$12,500 from the Black River Park Fund and \$37,500 from MDNR Recreation Passport grant, so the park will get \$50,000 worth of bathroom improvements, focusing on countertops, partitions between restroom stalls, some tile and some other work to spruce up the interior of the restrooms.

South Side Marina Building Renovation, we wanted to do about \$300,000 worth of interior renovations but this grant is limited so the need was a new roof since the present roof was from 1992 and there is some wood rot in the cupola area. This is a 50% match, so the city would pay \$62,000 and the grant would provide \$62,000.

South Side Marina Dock Extension Engineering, tying wave attenuation design with extension of the dock trying to create more transient head dock. VandenBosch noted that we do plan to use that area in a number of ways, including attracting a cruise ship and potential commercial uses. What this engineering is doing is finding out if it is possible in that area where we have a lot of storm surge. Also hoping to benefit the rest of the western harbor.

VandenBosch noted that those are five (5) grants that City Council approved last night.

VandenBosch informed that the city has also been awarded an accessible kayak launch including accessible sidewalk to the restroom. Waiting for review from state historic preservation officer, hoping it will be done by the end of the year.

VandenBosch updated the commission that the Downtown Development Authority (DDA) is looking at funding Black River Park parking lot improvements in the area of the gravel lot used for dredge spoils; the back area is still very soft and the engineer said nothing could be done there at this time, but the area near Dunkley Ave and bike trail is more stable and the DDA would like to build a parking lot with forty-two (42) parking spaces, it's our master plan but it benefits the DDA on peak tourism days.

VandenBosch reminded that the deadline for the grant for the Black River Park fish cleaning station is in August so staff will be working on meeting that deadline. Staff is not one hundred percent (100%) sure that grant will be opened up in August but the application will be ready if it is opened.

## **8. Customer Satisfaction Survey**

The Commission reviewed the Customer Satisfaction Surveys received at the February meeting.

John Marple, Marina Manager, provided details regarding complaints and comments on a variety of issues including pilings, dogs, social gatherings and staffing.

### Member and Staff Comments

VandenBosch gave an update on the bridge, which is to be opened to boat traffic on April 15. There have been some delays due to weather and other issues; the bridge is supposed to be open to vehicle traffic on May 15, but VandenBosch believes efforts are being made to get it opened as soon as possible.

VandenBosch has been attending the Two Rivers Coalition; has learned there are some groups doing some very good work trying to prevent erosion and sedimentation. They are working with farmers; the farmers are voluntarily cooperating with the coalition, planting shoreline vegetation, planting cover crops, doing no till farming. VandenBosch will continue to attend the Coalition meetings, which we are now members of, and focus on fish habitat and sedimentation and erosion. The same things benefit both.

VandenBosch informed that the docks were put in today and the gate will be operational April 1.

Sullivan asked for an update on the David Nixon DEQ permit; discussion.

## **Adjourn**

Motion by Stephens, second by Sullivan to adjourn.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom  
Recording Secretary