

Harbor Commission

Regular Meeting Agenda

Tuesday, April 15, 2014, 5:30 p.m.
North Side Marina, 148 Black River Street



City of South Haven

1. Call to Order

Roll Call: Chairman Jeff Arnold, Vice-Chairman Mary Stephens, Cathy Pyle, Tim Reineck, Alan Silverman, Daniel Strong, Greg Sullivan.

2. Approval of Agenda

3. Approval of Minutes: March 18, 2014 Regular Meeting

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

5. Marina Reports

6. 515 Williams Street Restaurant Barge, Site Plan Review

7. Queen's Cup Event Agreement

Member and Staff Comments

Adjourn

RESPECTFULLY SUBMITTED,
Paul VandenBosch
Secretary, Harbor Commission

Harbor Commission

Regular Meeting Minutes

Tuesday, March 18, 2014, 5:30 p.m.
North Side Marina, 148 Black River Street



City of South Haven

1. Call to Order by Arnold at 5:45 pm

Present: Stephens, Pyle, Sullivan, Arnold

Absent: Reineck, Silverman, Strong

2. Approval of Agenda

Motion by Pyle to approve the agenda.

Question by Stephens whether it would be more productive to do the Priority Setting and Strategic Plan Review with more members. VandenBosch suggested it would be better to do this review in the early fall.

Motion lost for lack of a second.

After discussion, motion by Stephens to approve the March 18, 2014 Harbor Commission agenda with the removal of Item #7, Strategic Plan and Priority Setting Review to the August meeting.

All in favor. Motion carried.

3. Approval of Minutes: February 18, 2014 Regular Meeting

Motion by Stephens, second by Sullivan to approve the February 18, 2014 Harbor Commission 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

None at this time.

5. Marina Reports

VandenBosch gave an overview of the Marina reports and updated the board on the lake levels.

6. Maritime Museum Dock Requests

VandenBosch noted there are two parts to the requests:

1.) The Michigan Maritime Museum asked to use slip #28 in the Maritime Museum; this is a very visible location and the museum has several boats they would like to display. This is a license agreement, similar to the one for the charter boat business, although there will not be any boarding, just the docking of character/historic vessels. The fee is for one slip as any dock renter would pay. This is a ten year agreement, with automatic renewal, and if slip fees are changed by city council, this fee would change.

2.) For many years, the Wilhelm Baum was in the area of Slips 29 & 30, which was never rented out by the city. The Wilhelm Baum had to be moved due to low lake levels, to its current area. Until recently, slips #29 and #30 were assumed to be part of the museum dockage, and without these slips it would create some difficulty for the museum. Staff proposed that slips #29 and #30 be added to the museum lease at no charge as long as that lease is in effect.

VandenBosch noted that there are no taxes and special assessments for boats docked at municipal marinas so Paragraph #7 of the License Agreement: "Taxes and Special Assessments" is an error and needs to be removed. Also pointed out that in the first paragraph of Addendum #9 it refers to the addendum as #8, so this needs to be corrected.

After a question by Stephens about the museum not planning to have boarding of what they call their character/historical vessels, discussion ensued regarding whether there is anything in this agreement that would prevent them from boarding in case of a special event. VandenBosch noted that the city understands that employees/volunteers/boaters may be boarding to move boats. There are private boats right across from these slips. VandenBosch noted that normal use of the boats is expected, although since private slips are right across the dock, the city would not want to see lines of people waiting there to board.

After further discussion, Stephens stated that since there could be potential scenarios which would require boarding, she would like to see the contract address that ahead of time while VandenBosch noted that the contract is open enough that the Museum director and the Marina Manager could make decisions in the case of a special event.

Pyle questioned, from a marketing standpoint, giving three (3) slips away, when other commercial boats are charged differently. VandenBosch said there is a difference between the slips that are being rented by boaters and those that are used for commercial purposes.

Pyle noted the part of the agreement that allows the city to rent those docks if they are not being used for the museum.

Sullivan requested comment on the rationale of allowing the museum two free slips for which the city could be getting revenue, to which VandenBosch responded that the slips are somewhat difficult to get to and the museum has used them for many years; however, were the city to rent those docks, the charge would be for forty foot (40') slips at a rate of \$3,795 per year each. VandenBosch also noted that the museum draws people into the city and Pyle pointed out that the museum is a non-profit. Sullivan responded that the city is also a non-profit. Stephens reiterated that the museum draws people into the city and the city, local businesses, everyone benefits.

Arnold asked whether the lease can be terminated at any time; VandenBosch noted that it is a long-term lease, potentially extended through 2072. Sullivan again stated that he believes the museum should be charged the same amount as anyone else. Discussion ensued regarding the museum charging for excursions but the cost of staff, maintenance, insurance and dockage for the Lindy Lou being more than what is brought in by ticket sales.

Stephens said it is really similar to the lease for the museum property for which the city receives one (1) dollar. After further discussion, VandenBosch noted other properties the city owns which have similar agreements. Discussion ensued regarding charging slip rent for slips #27 and #28. Pyle suggested placing a floating dock so the Lindy Lou and other dinghy boaters could use it and people could off-load on that side of the river.

Pyle voiced more concern with the length of the contract for the slips than with the docks being given rent free. VandenBosch noted that Addendum 9 is tied to the original agreement of rental of the entire grounds.

Stephens pointed out that on page 16 of the agenda, Section 11 of the license agreement concerning slip 28 provides a way out and asked if something exists for addendum #9, slips #29 and #30. VandenBosch said he believes the answer is "no" but would have to refer to the original lease, which is not included in the packet.

After discussion of a term that would be agreeable, Pyle stated that she feels better with ten (10) years so the city is not locked in to such a long term.

During discussion the following corrections and potential updates to the contract and addendum were identified:

- 1.) Payment for slips
- 2.) Shorter contract of ten (10) years.
- 3.) Eliminate Section #7, Taxes and Special Assessments
- 4.) Page 16 – change Ottawa to Van Buren
- 5.) Paragraph #1 of Addendum 9; change the addendum number from eight (8) to nine (9).

Stephens requested clarification of the term “home rule city” which VandenBosch explained.

During discussion regarding charging or not charging the museum VandenBosch noted that the museum would probably not want to enter into the agreement if there was a charge for those slips. Stephens pointed out that the Lindy Lou needs a home.

Motion by Stephens that the Harbor Commission recommends to City Council approval of Addendum 9 to the lease agreement between the City of South Haven and the Michigan Maritime Museum for slip #28 with the following changes:

Page 15 of agenda packet, Page 1 of original License Agreement: Remove Section #7. Taxes and Special Assessments.

Page 16 of agenda packet, Page 2, Section 10. Breach and Remedies of original License Agreement: Change Ottawa to Van Buren.

Addendum 9: Paragraph 1: Change reference to addendum #8 to #9.

Addendum #9: Change the contract limit to ten years.

Second by Pyle.

Arnold called the vote.

Ayes: Stephens, Pyle, Arnold

Nays: Sullivan

Motion passed.

7. Strategic Plan and Priority Setting Review

Removed during approval of the agenda; to be discussed at a later date, perhaps August.

8. Black River Park Grant Application

VandenBosch noted there were two grant applications submitted; the drawing on page #39 of the agenda packet depicts what is hoped will happen on the old street garage property. Total project cost and the amount of the grants was discussed. VandenBosch noted that this is the last place left where the city can put dredge spoils so he is a little concerned regarding making these improvements; however, the space cannot be left as a gravel lot forever.

9. Weather Buoy

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VandenBosch noted that a grant deadline brought this item before City Council before it came to the Harbor Commission.

The city has commitments for donations up to \$15,000 for this five (5) year project. The maximum our partner, Limnotech, thinks will be needed is \$27, 550.

VandenBosch stated that Resolution No. 2013-73 has been approved by City Council and the grant request has been submitted.

10. Commercial Use Policy

VandenBosch noted that staff was requested to put together a Commercial Use Policy by City Council. An example is the charter fishing boat which Harbor Commission approved the last two years. City Council did not give staff much direction, so this draft is a first attempt by city staff.

VandenBosch explained that in Item #2. Application, an application for preliminary approval is required, at which point the city manager can make a decision whether to continue with the license agreement process.

After Item #3, Preliminary Approval, the city attorney will put together a license agreement. There are some prohibitions and regulations in Item #5, Facility Regulations, while such agreement will come before the Harbor Commission for review before going to City Council for approval.

VandenBosch reviewed the regulations. Pyle asked about kayak rentals in Item #5 Section A. VandenBosch said that kayaks could be permitted by adding "motorized" before the word boats.

Stephens would like to compare this agreement side-by-side with what was put together for the charter fishing business. VandenBosch noted that much of the proposed application takes into consideration the things required for the charter fishing agreement.

VandenBosch noted that commercial uses paying double has been the practice in the harbor and is now being put into writing. Questions and discussion ensued regarding the requirement of proof of insurance. VandenBosch added that the license agreement must be entered into before starting the use.

Motion by Pyle to recommend that draft #2.25.14 for a resolution to establish a policy on commercial uses at municipal marinas and boat launch facilities with the following addition:

Item #5. Facility Regulations, A. Add the word "motorized" before the word boats.

Second by Sullivan.

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All in favor. Motion carried.

11. Wilhelm Baum

Discussion ensued regarding what may have caused the vessel to sink and that the city does not want to push the owners too quickly.

Member and Staff Comments

Stephens: Received an email from the Regional Science Consortium and Pennsylvania Sea Grant seeking a Boat US Foundation grant for their buoy system. With this particular grant people have to go on the website and vote. Stephens will forward this email to everyone on the board and suggested pursuing a grant through this foundation.

Pyle: How many pilings were lost during the winter? VandenBosch said three are raised up at the museum and the docks are raised up, but damage was not too bad.

Adjourn

Motion by Pyle, second by Stephens to adjourn at 6:45 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary

Marina Fund Revenue

Marina Fund Revenue
As of March 31, 2014

Fiscal Year Ending in	Seasonal	Transient	Revenue Total	Operational Expense	Net Revenue
2002	234,236	161,984	396,220	369,081	27,139
2003	259,840	166,084	425,924	403,463	22,461
2004	280,151	167,907	448,058	429,353	18,705
2005	282,245	170,944	453,189	479,287	-26,098
2006	300,819	173,817	474,636	517,881	-43,245
2007	343,171	170,869	514,040	471,088	42,952
2008	368,408	168,362	536,770	493,906	42,864
2009	377,955	166,674	544,629	492,039	52,590
2010	350,635	161,584	512,219	485,399	26,820
2011	314,270	140,546	454,816	521,900	-67,084
2012	330,660	151,046	481,706	427,390	54,316
2013	377,199	89,267	466,466	599,418	-132,952
2014	379,899	99,749	479,648	330,819	148,829

NOTES ON OPERATIONAL EXPENSES:

Operational Expense does not include depreciation of approximately \$133,000 per year. Operational Expenses do not include large construction expenses. Operational Expenses do not include the annual transfer to the River Maintenance Fund of approximately \$21,080 annually.

Operating Expense excludes reimbursable dredging costs

	Seasonal Marina Revenue												Calendar Year Total
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
2007	58,007	147,702	34,975	42,960	23,115	-3,846	6,199	1,554	703	1,100	22,348	19,285	354,102
2008	60,795	185,520	32,325	36,210	19,130	16,761	820	50	0	6,550	26,799	900	385,860
2009	44,784	185,069	32,390	25,955	31,150	23,488	843	50	850	900	27,990	1,000	374,469
2010	13,035	218,460	41,530	20,235	5,050	20,692	0	434	350	200	29,812	1,000	350,798
2011	43,222	157,210	38,473	31,230	12,498	-158	800	1,950	400	1,100	17,625	8,865	313,215
2012	31,810	178,650	44,840	14,750	31,795	-1,925	0	200	1,050	3,940	11,420	850	317,380
2013	29,476	169,790	80,125	37,555	28,362	14,431	0	0	750	7,735	7,300	7,545	383,069
2014	328,765	5,389	22,415										356,569

	Transient Marina Revenue												Calendar Year Total
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
2007	0	0	0	8,528	11,494	39,340	56,647	48,986	10,983	1,553	-41	0	177,490
2008	0	0	0	11,657	8,957	29,620	53,315	53,501	11,385	630	0	0	169,065
2009	0	0	0	11,972	10,994	24,877	55,645	39,835	22,176	1,301	0	0	166,800
2010	0	0	0	8,445	9,029	25,154	52,730	40,107	8,654	1,299	0	0	145,418
2011	0	0	0	373	16,162	21,221	47,565	41,459	12,635	515	0	0	139,930
2012	0	0	0	4,684	12,448	31,740	40,344	21,935	4,392	0	-267	0	115,276
2013	0	706	3,502	2,466	3,689	12,501	33,066	40,527	17,724	843	359	542	115,924
2014	2,236	4,453	0										6,689

March Harbor report not available at the time this summary was prepared on 4-3-14

Black River Park Revenues

Black River Park Revenue
As of March 31, 2013

Fiscal Year Ending	Seasonal Dock	Transient Dock	Boat Launch & Parking fees	Seasonal Launch Permit	Revenue Total	Operational Expense	Net Revenue
2007	84,563	9,480	42,544	10,471	147,058	90,412	56,646
2008	96,484	11,143	37,896	10,053	155,576	97,145	58,431
2009	93,239	9,240	37,261	11,922	151,662	99,992	51,670
2010	84,432	9,249	38,478	10,183	142,342	90,883	51,459
2011	66,393	8,658	42,038	3,859	120,948	113,430	7,518
2012	73,619	10,711	55,134	10,097	149,561	129,949	19,613
2013	45,555	7,114	37,381	1,430	91,480	69,814	21,667

Note: Operational Expense does not include depreciation of approximately \$46,000 per year.
Operational Expenses do not include large construction expenses.

Transfer to River Maintenance Fund of approximately \$5,800 annually

Boat Launching & Parking Fees Revenue													Calendar Year
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2007	0	0	0	1,289	4,160	7,725	13,459	7,941	5,917	1,808	0	0	42,299
2008	0	0	0	831	2,768	5,172	11,030	10,046	4,709	2,170	0	0	36,726
2009	0	0	0	370	3,378	5,558	10,738	7,704	8,311	812	0	0	36,871
2010	0	0	0	527	6,102	4,284	13,972	11,844	2,799	2,186	0	0	41,714
2011	0	0	0	126	4,301	6,870	19,145	10,345	7,373	1,221	0	0	49,381
2012	0	0	0	0	7,000	10,050	19,667	9,346	4,702	2,376	1,031	112	54,285
2013	56	0	91										147

Launching - Seasonal Permit Revenue													Calendar Year
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2007	0	0	0	2,261	4,157	2,749	1,453	0	0	0	0	0	10,620
2008	0	0	0	1,885	3,743	2,972	1,620	0	0	0	0	0	10,220
2009	0	0	0	2,770	4,924	2,608	640	0	0	0	0	0	10,942
2010	0	0	0	1,370	7,158	1,015	1,546	0	75	0	0	150	11,314
2011	0	0	0	610	75	1,403	1,222	0	0	75	0	0	3,385
2012	0	0	0	600	6,620	1,580	1,200	0	0	-270	0	0	9,730
2013	0	100	400										500

Seasonal Dock Revenue													Calendar Year
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2007	9,140	27,530	6,155	11,695	12,270	5,762	0	0	250	400	5,200	4,787	83,189
2008	7,940	45,315	9,400	11,905	12,675	-1,388	0	0	200	2,000	5,009	1,655	94,711
2009	6,865	41,215	7,085	9,125	4,990	15,095	0	0	0	0	5,000	0	89,375
2010	3,740	30,265	19,680	11,325	15,585	-1,163	1,650	0	0	0	4,650	2,369	88,101
2011	6,550	22,995	3,740	7,215	8,505	8,720	727	3,707	0	1,680	2,175	4,670	70,684
2012	3,995	20,485	9,585	6,440	18,500	1,655	3,745	0	0	600	2,000	200	67,205
2013	3,070	24,760	11,180										39,010

Transient Dock Revenue													Calendar Year
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2007	0	0	0	169	1,303	1,986	3,988	2,672	984	0	0	0	11,102
2008	0	0	0	329	1,562	1,609	2,571	2,904	1,204	303	0	0	10,481
2009	0	0	0	0	483	1,776	2,444	3,796	1,332	0	0	0	9,831
2010	0	0	0	0	748	930	2,657	2,479	746	0	0	0	7,560
2011	0	0	0	0	818	1,958	4,492	2,190	1,181	23	0	0	10,662
2012	0	0	0	0	604	2,221	3,567	2,325	1,125	98	0	0	9,939
2013	0	0	0										0

April 7, 2014

TO: Harbor Commission

FR: Paul VandenBosch

RE: 515 Williams Street Restaurant Barge Site Plan Review

In my original memo on the restaurant barge site plan, I stated that if the US Coast Guard determines that the barge is a land structure, then the barge may not cross the harbor line as authorized by Ordinance #740.

The City Attorney overturned this determination in the attached April 4, 2014 opinion.

The City Attorney stated that the proposed restaurant barge is a moored watercraft not subject to the prohibition on encroachment on harbor lines.

Reviewing the location of the proposed restaurant barge, I see no harbor traffic concerns related to its location.

Harbor Commission is asked to make a recommendation to Planning Commission, which will approve or deny the site plan.

Staff Recommendation:

Recommend approval of the site plan.

March 27, 2014

TO: Linda Anderson

FR: Paul VandenBosch

RE: Joe Wiltgen Barge Restaurant Site Plan Review

I have requested that Joe Wiltgen state in writing whether the restaurant barge will be documented and inspected, or if it is intended to be a land structure (permanently moored vessel).

This is needed in order to proceed with review of the application.

Ordinance #740 and City Code section 38-4 (2) do not permit structures to extend past the City project lines.

If the barge restaurant receives a certificate of inspection from the USCG to operate as a vessel, it would be considered a vessel, and not a structure. A vessel may extend past the City project line as long as it does not impede traffic.

If the USCG determines the restaurant barge to be a permanently moored vessel, it would be considered a structure and would not be allowed to extend past the City project lines. The proposed barge restaurant extends past the City project lines and would not be permitted under Ordinance #740.

Ordinance #740 states:

"For any structures that are to be developed, the structures must meet standard construction technique as required by the Building Codes or other City of South Haven standards as may be in force at the time the application is submitted."

If the USCG determines the restaurant barge to be a permanently moored vessel, it would be considered a structure and would be subject to zoning and construction codes as adopted by the City of South Haven.





City of South Haven

Project Review Black River Barge Restaurant

Background Information:

The applicant, Joe Wiltgen, is asking for site plan approval for a restaurant barge over the Black River. As shown on the site plan, the barge, which will be 20 feet by 120 feet, will be located directly upriver from the Idler at Old Harbor Village. This use is permitted without a special use permit or rezoning¹. Water based businesses, as defined, also do not need to provide off-street parking². The planning commission will complete site plan review of the project prior to any construction permits being issued. Staff gathered comments from city departments and those reviews are included in this agenda packet.

At the time of this writing, there is some dispute over whether the barge is to be considered a permanently moored vessel or a watercraft. Letters are included in this review from the harbor master, the applicant’s attorney and the city attorney. It appears the city attorney’s opinion is that the barge restaurant would be allowed to extend beyond the harbor lines and would further be subject to state building codes..

Recommendation:

If it has been determined that the proposed barge is in compliance with harbor rules, staff has no problem with approving the site plan provided all review comments have been addressed prior to construction. A summary of the comments is listed at the end of the Case Summary.

Attachments:

- Completed application
- Site Plan
- Department of Public Works Review
- Building Inspector Review
- Fire Marshal Review

¹ Section 201.23 defines: *Water based business: any business in which the proprietor, employee(s) or customer(s) physically board a ship, boat, barge or vessel at a marine terminal, including, but not limited to dinner boats, charter boats, passenger service, boat tours, watercraft rentals, and commercial fisheries*

² Section 1800 h-1 reads: *No parking area shall be required to be provided on-site for a water based business downstream of the Dyckman Avenue Bridge over the black river.*

Electrical Department Review
Harbor Master Review
Police Chief Review
Wiltgen Attorney Review
City Attorney Review

Respectfully submitted,
Linda Anderson
Zoning Administrator

BUILDING/ZONING PERMIT APPLICATION
CITY OF SOUTH HAVEN
BUILDING DEPARTMENT
539 PHOENIX STREET, SOUTH HAVEN, MICHIGAN 49090
FOR INFORMATION CALL 269-277-8573

**Incomplete Forms Will NOT be
Approved or Processed**

Project Address: 518 Williams St. Unit 2 S.H. 49090 Tax ID 80-53-123-200-00
Applicant: Joe Willgen Property Owner: J Willco Property LLC
Appl. Address: 519 Virginia Ave Owner Address: 519 Virginia Ave
South Haven MI 49090 South Haven MI 49090
Applicant Phone: 269-208-4687 Owner Phone: 269-208-4687
Current Use of Property: Dock Zoning District of Property B-3
Project Description: Barge restaurant

Contractor: Joe Willgen Lic. No. _____

Liability Carrier: _____ Fed ID or SS: _____

Total Value of Construction (Materials and Labor, Building Permit Only): \$ 2,000.00

Is property subject to an association? Yes No _____ (If yes, attach letter from association)

Is property currently served with city water and sanitary sewer connections? (Letter from city engineer req'd.)

I hereby authorize the Zoning Administrator, Building Inspector or other authorized representative of the City of South Haven to enter and inspect the above property for the purpose of inspection of the premises.
AFFADAVIT: I certify and affirm that I am the property or building owner or owner's authorized agent and that I agree to conform to all applicable laws of this jurisdiction. I also certify that this application is accurate and complete. Section 23A of the State Construction Code Act of 1972, Act No. 230 of the Public Acts of 1972, being Section 125.1523a of the Michigan Compiled Laws, prohibits a person from conspiring to circumvent the licensing requirements of the state relating to persons who are to perform work on a residential structure. Violators of Section 23a are subject to civil fines.

OWNER'S SIGNATURE: Joe Willgen DATE: 3-18-14

APPLICANT'S SIGNATURE: Joe Willgen DATE: 3-18-14

All contractors must be registered with the City of South Haven before a building permit may be issued.

HARBOR COMMISSION APPLICATION

CITY OF SOUTH HAVEN

SITE PLAN REVIEW

The Harbor Commission meets the third Tuesday of each month

Application deadline is 15 days prior to the meeting

Applicant Name Joe Wittgen Phone 267-208-4687

Address 519 Virginia Ave South Haven MI 49090

Project Name & Address Barge restaurant
513 Williams St South Haven MI 49090

Brief Description of Project 20' x 120' Barge restaurant, In door & out door dining

of Existing Docks _____ # of Proposed Docks _____ # of Docks being increased (decreased) _____

Will there be any change in the length, width, and/or location of existing docks, slips or other structures? YES _____ NO

Will any portion of the project extend past the City Project Lines? YES _____ NO

	Application Made Yes / No	Permit Received Yes / No	Copy Attached Yes / No
1. Army Corps of Engineers	<u>NO</u>	_____	_____
2. DEQ	<u>NO</u>	_____	_____
3. Flood Plain Management Agency	<u>NO</u>	_____	_____
4. Soil and Erosion Permit	<u>NO</u>	_____	_____

Submittal Requirements

In addition to the requirements for site plan approval as shown on the Plan Application Cover Sheet, Site Plan Submittal Requirements, Site Plan Review Attachment, and any other forms required for the project, the following information must be submitted for any proposed development along the Black River. The drawings must be prepared by or under the supervision of a professional engineer, architect, land surveyor, or landscape architect licensed in Michigan and be signed and sealed by that professional. (Sec. 1402.4)

1. A scaled drawing of the Black River showing the river where the proposed development will be constructed and depicting the following:
 - A. The width of the river.
 - B. A cross section of the river bottom.
 - C. The location of the U.S. Harbor Line and the City of South Haven Project Line (Per Ord. #740)
 - D. Project property lines.
 - E. Length, width, location and type of construction of existing docks, piers, slips and seawalls.
 - F. Length, width, location, and type of construction of the proposed development.
 - G. The current development of the site on the opposing sides of the Black River.
2. When any type of dredging is needed to complete the proposed project, the area downstream of the project site for five hundred (500) linear feet and one hundred (100) linear feet upstream from the project must be sounded both before the project is started and at the time of completion, prior to issuance of the Certificate of Occupancy of the project. These soundings must be reported in written form to the City of South Haven for its review. Once the project is completed, the developer will be liable for any debris or spoils that have been found due to the development of the project. If the proposed project includes dredging provide the following:
 - A. Pre-construction soundings report.
 - B. Proposed disposition of dredging spoils.

Applicant's Signature Joe Wittgen Date 3-18-14

SITE PLAN SUBMITTAL REQUIREMENTS
CITY OF SOUTH HAVEN
BUILDING DEPARTMENT
539 PHOENIX STREET, SOUTH HAVEN, MICHIGAN 49090
FOR INFORMATION CALL 269-637-0760

PROJECT ADDRESS: 515 Williams st Unit 2 TAX ID: 80-53-124-200-00

DATE APPLICATION RECEIVED: 3-18-14 APPLICANT: Joe Wilgus

PROJECT DESCRIPTION: Barge restaurant

REQUIRED DOCUMENTS:

- 1. SURVEY AND LEGAL DESCRIPTION OF PROPERTY**
 - INCLUDE ANY DEED RESTRICTIONS AND EASEMENTS
 - TAX ID NUMBER

- 2. LOCATION MAP**
 - SMALL SCALE SKETCH OF PROPERTIES, STREETS AND USE OF LAND WITHIN 1/2 MILE
 - INCLUDE DRIVEWAY LOCATIONS ACROSS THE STREET

- 3. SITE PLAN INCLUDING:**
 - SCALE OF LESS THAN 1:200
 - FIFTEEN (15) COPIES, TWO (2) SEALED
 - DATE OF DRAWING, NAME, ADDRESS, AND SEAL OF PREPARER
 - DIMENSIONS OF LOTS, PROPERTY LINES
 - EXISTING STRUCTURES (LABEL EXISTING)
 - PROPOSED STRUCTURES AND ADDITIONS (LABEL PROPOSED)
 - BUILDING SETBACKS, FRONT, REAR, BOTH SIDES
 - AREA COVERED BY STRUCTURES (IN SQUARE FEET)
 - DIMENSIONS, LOCATION AND PAVING MATERIAL OF DRIVES, PARKING AREAS, SIDEWALKS AND CURBING
 - PARKING SPACE STRIPING, NUMBER OF PARKING SPACES REQUIRED, NUMBER PROVIDED
 - FIRELANE LOCATION, RADII AND DIMENSIONS
 - STORM DRAINAGE SYSTEM AND STRUCTURES, DIRECTION OF FLOW
 - RETENTION BASIN AND CALCULATIONS
 - LOCATION AND SIZE OF WATER, SEWER, ELECTRIC, GAS AND OTHER UTILITIES
 - LANDSCAPING DETAILS
 - SIGNS AND ON-SITE LIGHTING, LOCATION AND DETAILS
 - EASEMENTS
 - EXISTING MAN-MADE FEATURES
 - EXISTING NATURAL FEATURES
 - TOPOGRAPHY AT 2 FOOT INTERVALS
 - WETLANDS, HIGH RISK EROSION AREAS OR FLOODPLAIN AREAS
 - DIMENSIONS AND LOCATION OF ANY REQUIRED OPEN SPACE
 - ZONING DISTRICT(S)
 - VARIANCES TO BE REQUESTED, IF ANY

- 4. BUILDING ELEVATIONS (SKETCH)**
 - SHOW HEIGHT OF BUILDING
 - SHOW NUMBER OF STORIES

- 5. LETTER OR MEMO EXPLAINING:**
 - OBJECTIVES OF THE PROPOSAL
 - COMPLETION SCHEDULE OF PROJECT PHASES

DATE ACCEPTED: _____

BY: _____

Note: These are a summary of the requirements for new and major construction projects. Smaller projects are required to include details related to the changes being made, and applicants may not be required to include all of the items listed here.

In any case, items 1 through 5 shall be included in the application.
For complete details see the South Haven Zoning Ordinance Section 1405, Final Site Plan Submittal Requirements.

ARTICLE II

LEGAL DESCRIPTION

The fee areas and easement areas which are dedicated to the Condominium established by this Master Deed are described as follows:

All that certain piece or parcel of land situate and being in the City of South Haven, County of Van Buren, State of Michigan and more particularly described as follows:

A parcel of land being part of lots 1 and 2, block 14 and lot 3, block 15 in Hale Conger and Company's Addition to the Village (now city) of South Haven, also part of the vacated center street lying between said block 14 and 15 being described more particularly as:

Beginning at a point found by commencing at the southwest corner of lot 1, block 14 in Hale Conger and Company's Addition to the Village (now city) of South Haven; thence S. 61°-56'-35" W., on the south line of said block, 8.25 feet; thence N. 19°-03'-10" W., 27.22 feet to the place of beginning of this description; thence N. 19°-03'-10" W., 60.00 feet; thence N. 65°-44'-53" E., 38.00 feet; thence N. 19°-03'-10" W., 14.74 feet; thence N. 70°-56'-50" E., 5.86 feet; thence N. 24°-20'-00" W., 24.33 feet to the United States Harbor Line; thence N. 56°-52'-30" E., on said harbor line, 12.55 feet; thence continuing on said harbor line, N. 70°-27'-50" E., 378.00 feet; thence South 54°-03'-45" East, 31.81 feet; thence South 46°-09'-00 West, 15.89 feet; thence N. 30°-37'-30" W., 24.38 feet; thence S. 65°-32'-50" W., 31.06 feet; thence S. 26°-18'-25" E., 3.97 feet; thence S. 72°-05'-20" W., 100.68 feet; thence S. 19°-32'-10" E., 30.73 feet, thence S. 72°-05'-20" W., 15.00 feet, thence N. 19°-32'-10" W., 30.73 feet, thence S. 72°-05'-20" W., 39.00 feet, thence S. 68°-32'-10" W., 50.24 feet, thence S. 20°-49'-00" E., 27.64 feet, thence S. 69°-53'-50" W., 152.53 feet, thence S. 19°-03'-10" E., 23.00 feet, thence S. 65°-44'-53" W., 5.82 feet, thence S. 19°-03'-10" E., 36.52 feet, thence S. 65°-44'-53" W., 38.00 feet to the place of beginning.

A. 601
C-300.2

JOE'S BAR & GRILL

City of South Haven
539 Phoenix St.
South Haven, MI 49090

Linda,

In response to your March 5th email, Jwilco Properties LLC, owns 142' of dock on the Black River at 515 Williams St. Unit 2. Jwilco Properties LLC is sole owner of proposed riverside restaurant and the completion goal is mid-June 2014.

Thank you,

Joe Wiltgen

248 Broadway Street • South Haven, MI 49090

Phone: 269.639.8200

NOTES:

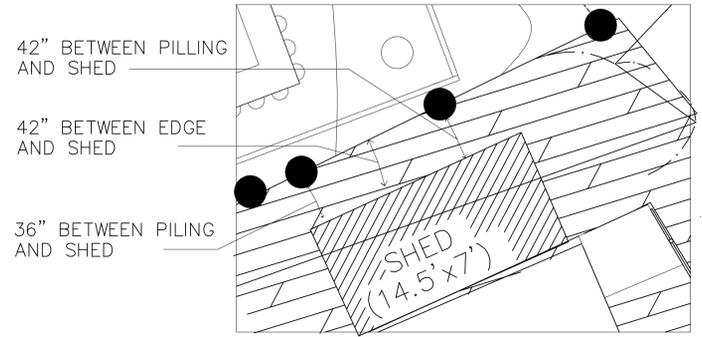
Boat will be secured to four pilings

All shore utilities will connect to the vessel underneath the existing dock in conduit certified for wet conditions. Service equipment will be located adjacent to the aft of the vessel on the starboard side. Feeder connection from the over current device disconnect must be in Sealtite flexible conduit or approved extra heavy duty service cord with extra material to allow for possible movement of the vessel.

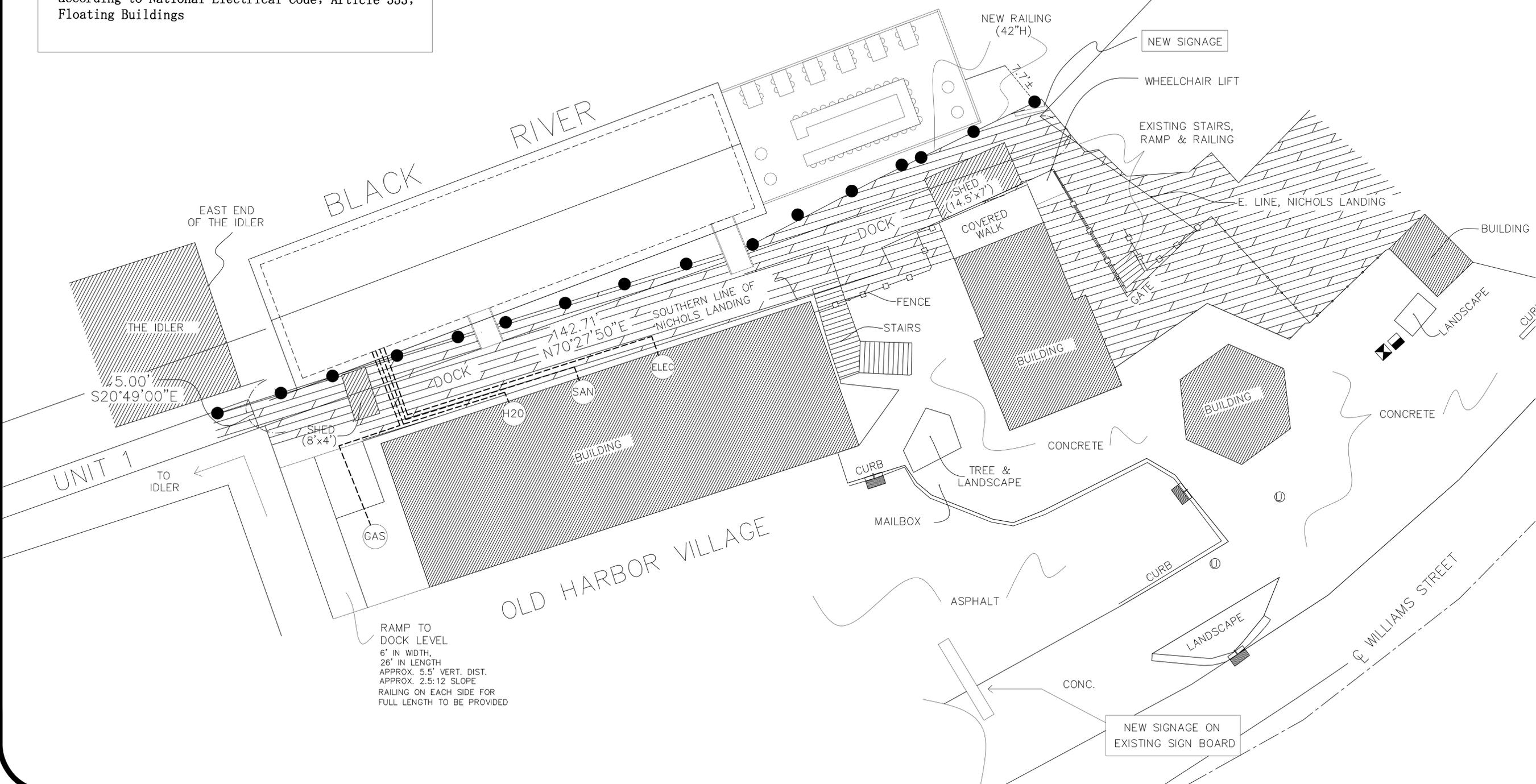
All electrical service wiring will be installed according to National Electrical Code; Article 553; Floating Buildings



-  - CURB INLET
-  - FENCE
-  - T.C.B.
-  - ELECTRIC METER
-  - UTILITY MANHOLE



NOTE: WITHIN CLEAR PATH GUIDELINES, HOWEVER DECKING IN THIS AREA HAS AN EXTREME SIDWAYS SLOPE. OWNER IS AWARE AND WILL RECTIFY THE SITUATION



RAMP TO DOCK LEVEL
6' IN WIDTH,
26' IN LENGTH
APPROX. 5.5' VERT. DIST.
APPROX. 2.5:12 SLOPE
RAILING ON EACH SIDE FOR
FULL LENGTH TO BE PROVIDED

General Notes

RIVERBOAT RESTAURANT PROJECT
SOUTH HAVEN, MICHIGAN
PREPARED FOR: JOE WILTGEN

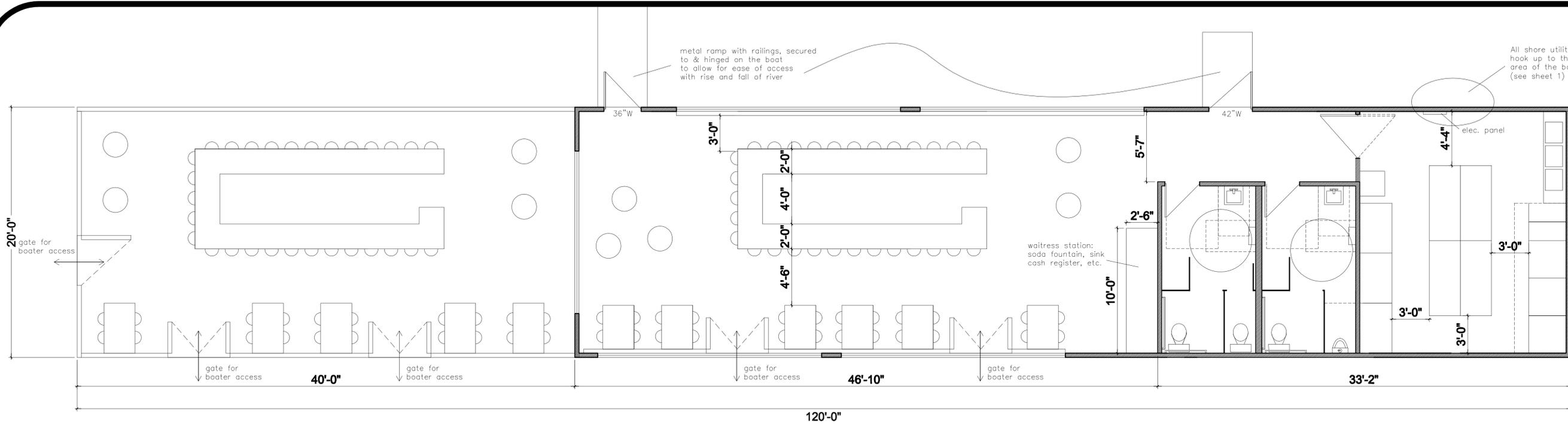
Permit BAP

No.	Revised/Year	Title

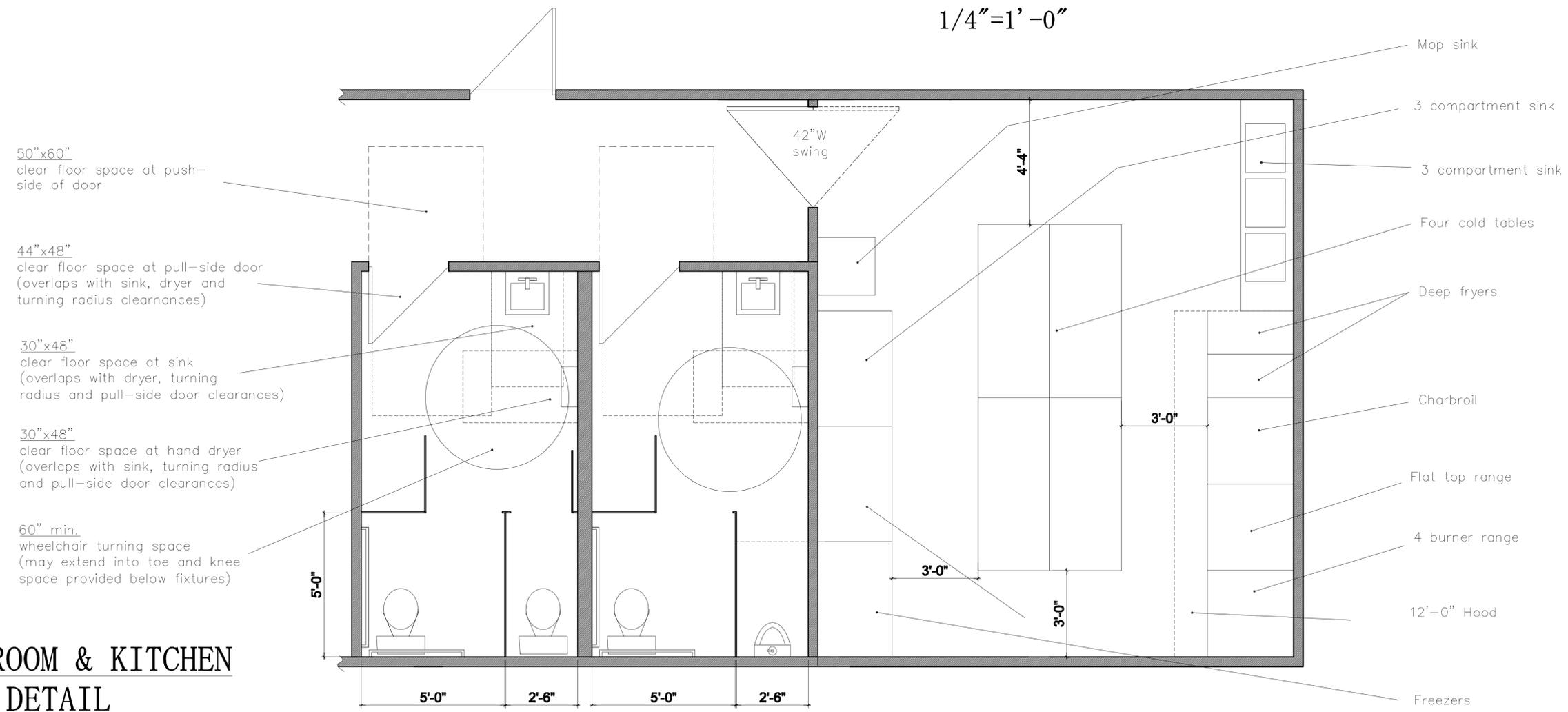
MIDWEST CIVIL
MCE
ENGINEERS, INC.
ONE HARBOR LANE, SOUTH HAVEN, MICHIGAN 49087
PH: 269.221.1144 FAX: 269.221.1145



Date: 3.21.14
Scale: 1/8" = 1'-0"



FLOORPLAN
1/4"=1'-0"



RESTROOM & KITCHEN
DETAIL
1/2"=1'-0"

General Notes

RIVERBOAT RESTAURANT PROJECT
SOUTH HAVEN, MICHIGAN
PREPARED FOR: JOE WILTGEN

Per BAP

Rev. No. Date

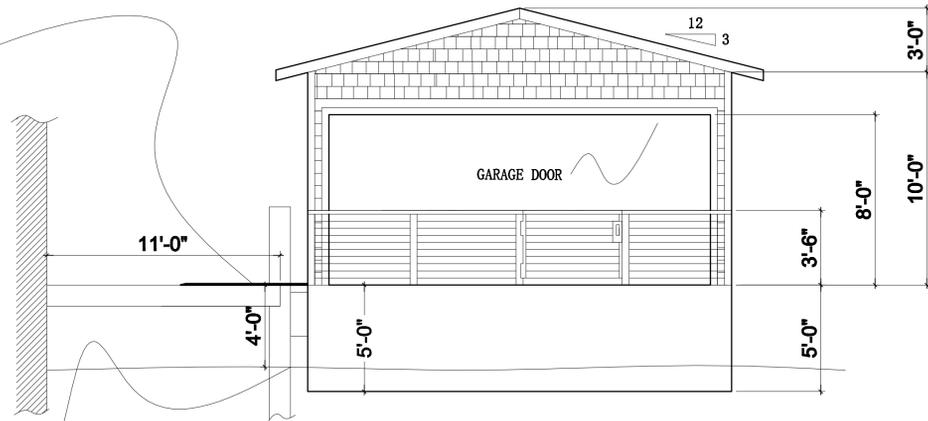


Sheet 2

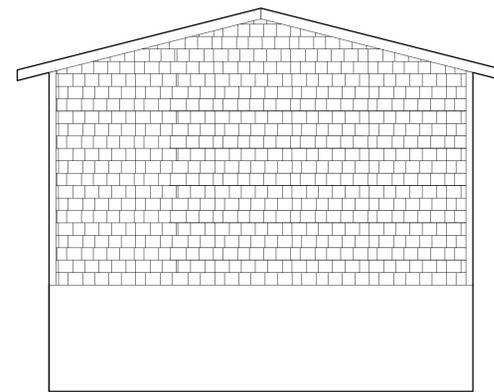
Date 3.21.14
As shown

Metal, non-slip ramp surface, with railings, secured to the boat and hinged to allow for ease of access with the rise and fall of the river. In times of extreme river level rise or fall, longer ramps & possibly the removal of part of dock to allow for ramp to have a slope of 1:12 or less.

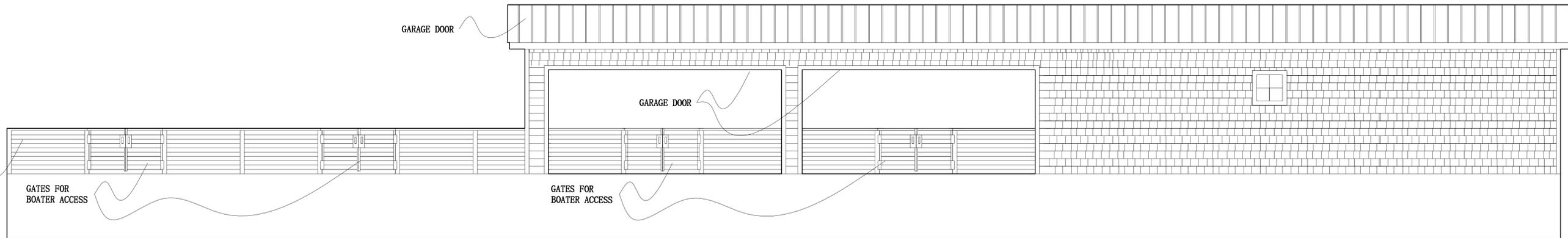
Water level currently approximately four feet below dock flooring level. Dimension from barge decking to barge bottom is five feet. Barge is expected to draft approximately one foot. At current river level dock decking and barge decking will meet at approximately the same level.



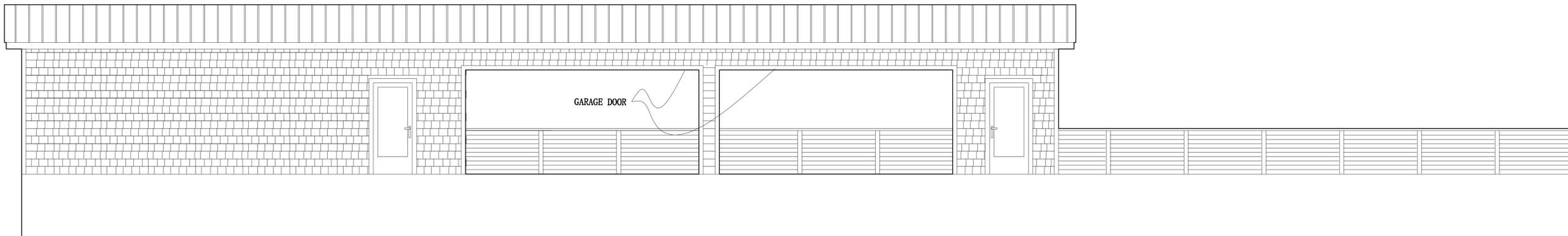
BOW
1/4"=1'-0"



STERN
1/4"=1'-0"



PORT
1/4"=1'-0"



STARBOARD
1/4"=1'-0"

General Notes

RIVERBOAT RESTAURANT PROJECT
SOUTH HAVEN, MICHIGAN
PREPARED FOR: JOE WILTGEN

Drawn BAP

MIDWEST CIVIL
MCE
ENGINEERS, INC.
Civil, Mechanical, Electrical, Structural, and Environmental Engineers



Sheet
3

Date
3.21.14
as shown

GENERAL INFORMATION

Case Number.....SPR 2014-0002

Date of Plan Commission.....05-01-2014

Applicant.....Joe Wiltgen

RequestOperate a barge restaurant adjacent to a dock at Old Harbor Village

Location515 Williams Street, Unit #2

Parcel Number80-53-125-200-00

Size.....20'x120' barge restaurant

Street Frontage.....NA

Current Zoning.....B-3 Waterfront Business

Proposed Zoning.....No Change

Contiguous Zoning.....North: Black River
South: B-3
East: B-3
West: B-3

Current Land Use.....Dock only

Contiguous Land Uses.....North: Black River
South: Old Harbor
East: Old Harbor
West: Old Harbor

Comp Plan DesignationWaterfront and Related Commercial/Recreation

CHARACTER OF THE AREA

The Subject Property is located at 423 Williams, Unit #2. The area is characteristic of the B-3 zoning with waterfront businesses and condominium type of residences. Many of the residences and businesses in the immediate area are seasonal. The character of the area is consistent with the current zoning and future land use classification in its general commercial use.

DEVELOPMENT PROPOSAL

The applicant is asking for site plan approval for a restaurant barge over the Black River. This use is permitted without a special use permit or rezoning¹. Water based businesses also do not

¹ Section 201.23 defines: *Water based business: any business in which the proprietor, employee(s) or customer(s) physically board a ship, boat, barge or vessel at a marine terminal,*

need to provide off-street parking². In an opinion from the city attorney (attached), the barge is subject to site plan review and building code review. Staff gathered comments from city departments regarding land based issues such as access from the dock, safety concerns and utility connections. Those reviews are included in this agenda packet.

PUBLIC RESPONSE

N/A

EVALUATION

The zoning ordinance does not list specific regulations for the use proposed nor does it provide criteria for this type of site plan review. Since the barge will be over water, the setback requirements and maximum lot coverage provisions do not apply.

The master plan includes policy and goal statements intended to encourage tourism and boating during the summer months. Projects such as this advance those recommendations by providing summer residents and visitors with another option for enjoying the waterfront.

RECOMMENDATION

There are some issues that will need to be resolved if this project progresses. The applicant will need to work with the city departments and code officials to assure the project meets all city and state requirements. Based on the department reviews, other remaining issues include:

1. Completion of the Wastewater Survey for Nonresidential Establishments
2. Final electric plan approval by the electric department
3. Further information will be needed as to fire detection systems, also emergency lighting and exit marking for the fire marshal
4. The Harbor Master has recommended denial to the Harbor Commission based on the barge extending into the harbor lines (This is refuted by the applicant's attorney (letter attached. The city attorney has also offered an opinion in this matter and that letter is also attached.)
5. The building inspector requires that the plan show guardrails and maintain 44 inches of clear pathway along the length of the dock. He is also working with the engineer on plans for dock reconstruction prior to the issuance of any permits.

These issues will need to be addressed in final drawings. The planning commission will also need to consider the determination of the harbor commission in deciding the site plan approval. The harbor commission will meet on April 15, 2014.

including, but not limited to dinner boats, charter boats, passenger service, boat tours, watercraft rentals, and commercial fisheries

² Section 1800 h-1 reads: *No parking area shall be required to be provided on-site for a water based business downstream of the Dyckman Avenue Bridge over the Black River.*



City of South Haven

Dept. of Public Works

DPW Building • 1199 8th Ave. • South Haven, Michigan 49090
Telephone (269) 637-0737 • Fax (269) 637-4778

MEMORANDUM

To: Linda Anderson, Zoning Administrator

Cc: Roger Huff, Ron Dotson

From: Larry Halberstadt, PE, City Engineer

Date: March 26, 2014

RE: Site Plan Review Comments
Riverfront Restaurant
515 Williams St

Engineering Department Review:

General Comments Provided

The proposed project consists of a 20 foot wide by 120 foot long by 18 foot high (maximum) floating structure (barge) that will be located in the South Haven Harbor adjacent to Unit 10 of Nichols Landing Condominiums. The single story structure will float on the water of the Black River with approximately 1 foot of draft. 80 foot of the total length will be enclosed with a roof and will house a commercial kitchen, men's and women's restrooms, and a dining/bar area. The remaining 40 feet is open air dining/bar area.

No parking spaces are being proposed with this development. Pedestrian access to the structure will be via timber docks and walkways located within Unit 10 and the General Common Element of Nichols Landing. Additionally, the structure has several mooring points on the northerly side for access from private watercraft. Sheet 1 of the drawings illustrates a minimum clear path width of 36-inches along the pedestrian access from Williams Street. Two gangways will provide pedestrian access between the timber dock and the floating structure. The applicant has acknowledged on the drawing, the possible need to adjust the elevation of the timber dock in the future as necessary to accommodate extreme river level fluctuations while maintaining a gangway slope of 1:12 to meet the requirements of the Americans with Disabilities Act. The drawings also indicate that the side slopes of the timber decking are too steep in some locations and will be reconstructed to meet ADA requirements.

Sewer Department Review:

Approved as Noted

The drawing illustrates sanitary sewer service being extended from Building H of the Old Harbor Village Condominiums to serve the floating structure. It is assumed that the plumbing inside Unit 15, on the ground floor of Building H, will be modified and extended to provide a point of connection for the floating structure. In accordance with the Old Harbor Village Condominium Master Deed, the waste disposal network throughout the project is a General Common Element. This means that all building sewer pipes, drainage pipes, and vent pipes within the boundary of

Memorandum

March 26, 2014

Site Plan Review Comments

Riverfront Restaurant

Page 2 of 3

Old Harbor Village Condominiums are private plumbing owned, operated, and maintained by the Condominium Owners as a whole, represented by their Association.

The Old Harbor Village Condominium Master Deed reserves for Nichols Landing, its Co-Owners, invitees, licensees, guests and assigns, a perpetual easement to utilize, tap, tie into, extend and enlarge all utility mains located on the condominium premises.

It is assumed that sanitary waste will be collected on the floating structure into an ejector sump and pumped from the barge. The drainage plumbing that is extended from Building H should be constructed in accordance with the current edition of the Michigan Plumbing Code. The connection between the barge and land based plumbing should be made with flexible tubing to accommodate elevation changes of the barge due to fluctuating river levels. The applicant will need to work with Old Harbor Village and the Plumbing Inspector to ensure that the private infrastructure within Old Harbor Village is suitable to accommodate the addition wastewater flow generated by the barge.

The applicant must complete the Wastewater Survey for Nonresidential Establishments and Application for Wastewater Discharge prior to connection to the Old Harbor Village plumbing.

Water Department Review:

Approved as Noted

The drawing illustrates water service being extended from Building H of the Old Harbor Village Condominiums to serve the floating structure. It is assumed that the plumbing inside Unit 15, on the ground floor of Building H, will be modified and extended to provide a point of connection for the floating structure. In accordance with the Old Harbor Village Condominium Master Deed, the water distribution network throughout the project is a General Common Element. This means that all water service and water distribution pipes within the boundary of Old Harbor Village Condominiums are private plumbing owned, operated, and maintained by the Condominium Owners as a whole, represented by their Association.

The Old Harbor Village Condominium Master Deed reserves for Nichols Landing, its Co-Owners, invitees, licensees, guests and assigns, a perpetual easement to utilize, tap, tie into, extend and enlarge all utility mains located on the condominium premises.

The water distribution piping that is extended from Building H should be constructed in accordance with the current edition of the Michigan Plumbing Code. The connection between the barge and land based plumbing should be made with flexible tubing to accommodate elevation changes of the barge due to fluctuating river levels. The applicant will need to work with Old Harbor Village and the Plumbing Inspector to ensure that the private infrastructure within Old Harbor Village is suitable to provide adequate drinking water supply to the barge.

A reduced pressure principle backflow preventer shall be installed between the barge and Building H. This backflow preventer must be located in an indoor area to prevent freezing and damage and must be accessible for inspection and maintenance.

Memorandum

March 26, 2014

Site Plan Review Comments

Riverfront Restaurant

Page 3 of 3

Street Department Review:

Approved

Nichols Landing Condominiums do not have direct access to a public street. Access to Nichols Landing is via private easements across adjoining properties. No changes to Williams Street are being proposed with this project.

Attachments

Old Harbor Condominiums Master Deed Excerpt
Wastewater Survey for Nonresidential Establishments

time to time shall be deemed to have irrevocably and unanimously consented to such amendment or amendments to this Master Deed and the Condominium Subdivision Plan as are necessary, in the Association's sole discretion, to effectuate the purposes of this Article VI D as the same may be approved by the Administrator and all such persons irrevocably appoint the Association, its successors and assigns, as agent and attorney in fact for the purpose of execution of such amendment or amendments and all other documents as may be necessary to effectuate the purposes of this Article VI D.

E. The following are easements retained by the Developer and granted to the Co-Owners in Nichols Landing, a condominium:

(1) Roadway Easements: Developer reserves for the benefit of itself, its successors and assigns, and grants to Nichols Landing, its Co-Owners, their licensees, invitees, guests, successors and assigns a perpetual easement for the unrestricted use of all roadways, walkways in the condominium for the purpose of ingress and egress to and from all or any portion of the parcel described in Article VIII and to and from Nichols Landing.

(2) Utility Easements: Developer also hereby reserves for the benefit of itself, its successors and assigns, and for Nichols Landing, its Co-Owners, invitees, licensees, guests and assigns, and all future owners of the land described in Article VIII or any portion or portions thereof, perpetual easements to utilize, tap, tie into, extend and enlarge all utility mains located on the condominium premises, including, but not limited to, water, gas, storm and sanitary sewer mains. In the event Developer, or Nichols Landing, their successors, and assigns, utilizes, taps, ties into, extends or enlarges any utilities located on the condominium premises, they shall be obligated to pay all of the expenses reasonably necessary to restore the Condominium utilization, tapping, tying-in, extension or enlargement.

(3) Parking Easement: Developer grants to the Co-Owners of Unit 9 of Nichols Landing, their invitees, licensees, guests and assigns a perpetual easement for parking on three spaces out of the five (to be designated) parking spaces located immediately to the South of Building A.

(4) Trash Disposal: Developer grants to the Co-Owners of Nichols Landing, their invitees, licensees, guests and assigns the perpetual easement for right to dispose of trash, garbage and similar refuse into the dumpster or trash disposal area located immediately to the East of Building C.

ARTICLE VII

AMENDMENT OF MASTER DEED

A. The condominium documents may be amended by the Developer or the Association of Co-Owners without the consent of Co-Owners or mortgagees if the amendment does not materially alter or change the rights of a co-owner or mortgagee. An amendment which does not materially change the right of a co-owner or mortgagee includes, without limitation, a modification of the types and sizes of unsold condominium units and their appurtenant limited common elements.

B. Except as provided in this Article VII, the Master Deed, Bylaws and Condominium Subdivision Plan may be amended, even if the amendment will materially alter or change the rights of the co-owners or mortgagees, with the consent

CITY OF SOUTH HAVEN
WASTEWATER SURVEY FOR NONRESIDENTIAL ESTABLISHMENTS
AND APPLICATION FOR WASTEWATER DISCHARGE

GENERAL INFORMATION

Date _____

1. Facility name, address, and telephone number:

Zip Code _____ Telephone No. _____

2. Mailing address (If same as above, check []):

Zip Code _____ Telephone No. _____

3. Name, title, and telephone number of person authorized to represent this firm in official dealings with the City:

Name _____

Title _____ Telephone No. _____

4. Alternate person to contact concerning information provided herein:

Name _____

Title _____ Telephone No. _____

5. Identify the types of business conducted (auto repair, retail store, machine shop, electroplating, warehousing, painting, printing, meat packing, food processing, etc.).

6. Provide a brief description of the business conducted at this location:

Number of employees _____ Hours/day in use _____

Standard Industrial Classification Number(s) _____

7. Does this facility manufacture a product? Yes _____ No _____

If yes, list types of products _____

Raw materials _____

(Attach list if you need more space)

8. Are chemicals used or stored onsite? Yes _____ No _____

If yes, attach list with quantities used or stored per year and quantities currently stored onsite. (Note: Do not include maintenance products used only for buildings onsite, such as floor wax, paint, etc., unless products are discharged to sewer.)

DISCHARGES FROM FACILITIES

9. Discharge to sanitary sewer:

	<u>Yes</u>	<u>No</u>	<u>Average Gallons/Day</u>
Domestic Wastes (Restrooms, Showers, etc.)	_____	_____	_____
Cooling Water - Noncontact	_____	_____	_____
* Cooling Water - Contact	_____	_____	_____
* Boiler/Tower Blowdown	_____	_____	_____
* Process Water	_____	_____	_____
* Equipment/Facility Washdown	_____	_____	_____
* Air Pollution Control Unit	_____	_____	_____
* Floor Drains	_____	_____	_____
Yard Drains	_____	_____	_____
Roof Drains	_____	_____	_____

* Attach list of chemicals that potentially could be present in discharge along with average and maximum concentrations, if available.

10. Other Discharge:

Are any wastes from this facility discharged to:	<u>Yes</u>	<u>No</u>	<u>Average Gallons/Day</u>
Storm Sewer	_____	_____	_____
Surface Water	_____	_____	_____
Groundwater	_____	_____	_____
Waste Hauler	_____	_____	_____
Evaporation	_____	_____	_____
Other (describe)	_____	_____	_____

Provide Name and Address of waste hauler(s) if used:

11. Is there a spill prevention control and countermeasure plan prepared for this facility?
 Yes _____ No _____

Note to Signing Official: In accordance with Title 40 of the Code of Federal Regulations Part 403, Section 403.14, information and data provided in this questionnaire which identifies the nature and frequency of discharge shall be available to the public without restriction. Requests for confidential treatment of other information shall be governed by procedures specified in 40 CFR Part 2. Should a discharge permit be required for your facility, the information in this questionnaire will be used to issue the permit.

This is to be signed by an authorized official of your firm after adequate completion of this form and review of the information by the signing official.

I have personally examined and am familiar with the information submitted in this document and attachments. Based upon my inquiry of those individuals immediately responsible for obtaining the information reported herein, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and/or imprisonment.

_____ Date

_____ Signature of Official
 (Seal if Applicable)

BUILDING INSPECTOR

Preliminary Site Plan _____ Final Site Plan

Name of Applicant Joe Wilgen

Address of Applicant 519 VIRGINIA AVE SOUTH HAVEN, CT

Applicant Telephone No. (269) 208-4687

Project Name (if any) RIVERBOAT RESTAURANT PROJECT

Brief Project Description RESTAURANT FACILITY ON FLOATING BARGE (CAN BE MOTORIZED)

Plans have been reviewed and found to be: _____ Acceptable Unacceptable

If unacceptable, explain: NEED 44" MIN CLEAR EXIT PATHS (TOO NARROW

Other comments/recommendations: AT OLD STAIR AT EAST END OF WALKWAY) VERIFY WALKWAY WIDTHS ALONG ENTIRE WALKWAY... LOOK TO SHOW GUARD RAIL DETAILS ALONG OPEN SIDE OF WALKWAY

PRIOR TO START OF CONSTRUCTION * CONSTRUCTION DETAILS NEEDED ON DOCK/WALKWAY REPAIR/RENOVATION * DETAIL ROOMS ON WHEELCHAIR LIFT

Review performed by Ron Puzi

Date 3-24-14

SITE PLAN REVIEW

Preliminary Site Plan

Final Site Plan

Name of Applicant: Joe Wiltgen

Address of Applicant: _____

Applicant Telephone No: _____

Project name, if any: Barge Restaurant

Project location: South Of the Idler on the black river

Brief project description: to build a floating Restaurant

Are fire hydrants available at the site? Yes No
Comments: _____

Is water pressure adequate for the project? Yes No
If no, explain: _____

Does project layout provide easy access for fire protection? Yes No
If no, explain: project is a barge on the river behind a large structure

Are the proposed plans acceptable to the Fire Department? Yes No
If no, explain: _____

Other comments / recommendations:
further information will be needed as to fire detection systems, also emergency lighting and exit marking.

Review performed by Tony Marsala Sr Date 04-02-2014

April 2, 2014

TO: Linda Anderson

FR: Paul VandenBosch

RE: 515 Williams Street Site Plan Review (Restaurant Barge)

In reviewing the request to place the restaurant barge, I am referring to Chapter 38 of the South Haven Code of Ordinances, Harbors and Waterways, and Ordinance #740, known as the "Harborline Ordinance".

Ordinance #740 establishes project lines and states that no development shall extend past the project lines. Section 38-4(2) of the Code of Ordinances prohibits any structure from extending past dock lines. Section 38-4(8) prohibits any encroachment upon established harbor lines.

A watercraft or vessel may be moored so as to extend past the project line. In the case of a commercial business which invites customers on board a vessel, the US Coast Guard has the authority to inspect and certify vessels as suitable for carrying passengers. The US Coast Guard has determined that watercraft which are moored and connected to land and not able to easily get under way are "land structures" even though they may be floating.

A vessel that invites passengers aboard for commercial operation must either be licensed to carry those passengers by the US Coast Guard, or it is considered a land structure.

The proposed restaurant barge appears to fall under the land structure definition of the US Coast Guard. As a land structure, it is subject to the project line limits imposed by the South Haven City Code.

Staff Recommendation:

Recommend to Planning Commission denial of the site plan review because the proposed restaurant barge appears to be a land structure that extends past the project lines as established by the City of South Haven.

POLICE DEPARTMENT

Preliminary Site Plan Final Site Plan

Name of Applicant Joe Wiltgen

Address of Applicant _____

Applicant Telephone No. (____) _____

Project Name (if any) _____

Brief Project Description Boat Restaurant

Plans have been reviewed by the Police Department and found to be: Acceptable Unacceptable

If unacceptable, explain: _____

Other comments/recommendations:

Review performed by (Please print) Thomas Martin Date 3-24-14

ROBERT P. COOPER

A T T O R N E Y A T L A W

MAILING ADDRESS:
P.O. BOX 3316
GRAND RAPIDS, MI 49501-3316

BRIDGEWATER PLACE
333 BRIDGE, N.W. • SUITE 1120
GRAND RAPIDS, MICHIGAN 49504

TELEPHONE 616/235-8802
FACSIMILE 616/235-8804
EMAIL • COOPLAW@ISERV.NET

March 28, 2014

Via email to JWilco1@hotmail.com

Joe Wiltgen
JWilco Properties LLC

Re: Proposed Barge Restaurant
515 Williams St, #2, South Haven

Dear Joe:

You asked me to review the Memo dated March 27 from Paul VandenBosch to Linda Anderson and the City Code provisions referred to in the Memo. The Memo concludes that if the USCG deems the proposed restaurant barge to be a permanently moored vessel, then it becomes a land structure. Under the City Code sections cited in the Memo, the Memo concludes that a land structure cannot extend past the City project lines.

I disagree with the Memo's conclusion. The Memo states: "If the barge restaurant receives a certificate of inspection from the USCG to operate as a vessel, it would be considered a vessel, and not a structure." This is wrong. USCG does not define what a "vessel" is; the City Code does. Sec 38-1 defines Vessel as a watercraft used or capable of being used as a means of transportation on water. USCG inspection has absolutely no bearing on whether or not it is a vessel.

The vessels you propose to use for your barge restaurant have been constructed and are currently used as "land barges" on inland waters to store and transport materials. They are not motorized and are either tied to or guided by tugs. Land barges are not inspected by USCG. There is absolutely nothing in Chapter 38 of the South Haven Code (Harbors and Waterways) which says that if the USCG finds that a vessel is permanently moored, its legal character changes from a vessel to a structure. That is an *interpretation and opinion*, and I suggest it is not correct, and not based on City Code.

Sec 38-4(2) is also relied on as a basis for stating that a permanently moored vessel cannot extend beyond the City project line. That section states (underlining is my emphasis):

No person shall drive any piles or deposit any timber, stone, or other substance or structure so as to project above or below the surface of the waters of the harbor or any part thereof, or beyond the established dock lines, without written permission of the City.

For this section to apply, permanently mooring a vessel to a dock has to be considered as a "deposit of a structure" beyond the established dock lines. The barges float on the surface water. They are not "deposited" into the river bed like timber, stone, or other substances. The Memo is a really strained interpretation of Sec 38-4(2), and I suggest it doesn't make any sense at all.

The Memo also uses Ordinance #740 as a reason that a barge permanently moored to the dock cannot extend beyond City project lines. Again, I believe that is an incorrect *interpretation and opinion*. The definitions in Section 1 indicate what the Ordinance refers to: a "Headock" is a structure typically constructed parallel to the project line so as to provide watercraft mooring or fingerpier access capability. "Finger Pier" is a type of structure either floating or permanent that typically extends perpendicular to the headlock or shoreline and is used for mooring watercraft. "Project line" is a line within the river approximately parallel to the nearest shoreline beyond which no structure may extend. The only two "structures" defined in the Ordinance are Headock and Finger Piers. The Ordinance does not say that a vessel permanently moored to the Headock becomes part of the Headock structure and may not extend beyond the project line.

Even if the Memo correctly interpreted this Ordinance, Section 38-4(2) also specifically permits you to have a structure beyond the established dock lines if you obtain written permission from the City. Since Section 38-4(2) was adopted in 2001 and Ordinance #740 in 1990, the 2001 ordinance would control. The City has the ability to permit a structure beyond the project line. I suggest that you discuss with the City what procedures exist for you to obtain written permission to moor your barges to the dock so that you can proceed with your proposed use.

Let me know if you have any questions.

Very truly yours,



Robert P. Cooper

April 4, 2014

**CONFIDENTIAL—SUBJECT TO
ATTORNEY-CLIENT PRIVILEGE**

Via Email & U. S. Mail

Paul VandenBosch, Assistant City Manager
City of South Haven
539 Phoenix Street
South Haven, Michigan 49090

Re: Proposed Restaurant Barge

Dear Mr. VandenBosch:

JWilco Properties, LLC, recently applied for site-plan approval¹ for a restaurant on a floating barge. The barge would be continuously moored to a dock on the Black River. You have asked whether it is legally permissible for the barge to overhang the City's established harbor lines. You would also like to know whether the proposed barge is subject to inspection under the Construction Code.

Your first question requires us to interpret several ordinances relating to City harbors. Ordinance #740 establishes harbor lines on the Black River and provides that:

In no case may any development upon the Black River extend into the river past the [harbor]² lines as developed by the City of South Haven.

Section 38-4 of the City Code lists general regulations for City harbors, including harbors on the Black River. It provides in pertinent part:

(2) *Piles or structures.* No person shall drive any piles or deposit any timber, stone, or other substance or structure so as to project . . . beyond the established [harbor] lines.

(3) *Mooring.* No vessel, craft, or float shall be moored or anchored in the harbor or laid up alongside any dock or wharf in such a manner as to prevent the passage of other vessels, craft, or floats.

¹ Notably, the restaurant is subject to site-plan approval because it qualifies as a new "use" for purposes of the zoning ordinance. See Zoning Ordinance § 201.21.

² City ordinances use inconsistent terminology for the lines established by Ordinance #740, referring to them as "harbor lines," "dock lines," and "harbor project lines." For the sake of clarity, this memorandum refers to the lines uniformly as "harbor lines."

CONFIDENTIAL

P. VandenBosch

April 4, 2014

Page 2

(8) *Harbor lines*. No person owning, leasing or in possession of a premises abutting on the harbor shall encroach upon the harbor lines . . . except as permitted [as a preexisting use].

As in all statutory interpretation, these provisions must be read together and harmonized if possible.³ The primary goal of interpretation is to give effect to the intent of the drafters.⁴ There is a presumption that when an ordinance addresses a certain topic, the discussion of that topic is intended to be all-inclusive.⁵

After reading the ordinance provisions together, we think the best interpretation is that the harbor lines do not apply to continuously moored watercraft. Moored watercraft are expressly addressed in a provision entitled “Mooring.” That provision does not mention harbor lines and does not distinguish between continuously moored and temporarily moored watercraft.⁶ Instead, it simply states that watercraft should not be moored in way that interferes with navigation. Under ordinary principles of interpretation, we can presume that the mooring provision is all-inclusive and that moored watercraft therefore are not subject to the harbor lines.

This interpretation is in harmony with the other ordinance provisions. As noted above, the ordinances prohibit depositing substances and structures beyond the harbor lines. The plain meaning of the term “deposit” does not include the placement of a floating object in water.⁷ Accordingly, it appears that this restriction was intended to prevent unseen hazards to navigation lying at the base of the riverbed.

The ordinances also prohibit “encroaching” on the harbor lines. Standing on its own, the term “encroach” might be reasonably construed to prohibit the placement of *any* object beyond the harbor lines. When viewed in context, however, it appears that term should be construed more narrowly so as to apply only to docks, wharves, and other structures actually constructed on the shore. The ordinance establishing the harbor lines repeatedly refers to “construction” and “development.” It also includes definitions of several structures that are typically constructed in a harbor, such as headocks and fingerpiers. In our opinion, the mooring of watercraft – even if semi-permanent – is conceptually distinct from the construction activities that the harbor lines are intended to address.

³ *Clexton v Detroit*, 179 Mich App 209, 214 (1989).

⁴ *Detroit Fire Fighters Assoc v Detroit*, 127 Mich App 673, 677 (1983).

⁵ This principle is known by the Latin phrase *expressio unius est exclusio alterius*, meaning “the expression of one is the exclusion of the other.”

⁶ For purposes of interpreting a City ordinance, it does not matter whether U.S. Coast Guard regulations now distinguish between these uses. As noted above, the goal of interpretation is to determine the drafters’ intent. Other authorities are relevant only to the extent that they informed the drafters’ use of terminology or phrases.

⁷ A common definition of deposit is “to let fall (as sediment).” *See, eg*, Merriam Webster’s Collegiate Dictionary, p. 311 (10th ed).

CONFIDENTIAL

P. VandenBosch

April 4, 2014

Page 3

In sum, we interpret the term “encroach” narrowly so as not to create additional restrictions on the mooring of watercraft. Accordingly, it is permissible for a continuously moored watercraft to extend beyond the harbor lines, so long as it does not interfere with navigation.

Your second question asks whether the proposed barge restaurant is subject to inspection under the Michigan Construction Code, which applies to buildings and other structures throughout the state.⁸ The term “structure” is broadly defined to mean:

That which is built or constructed, an edifice or building of any kind, or a piece of work artificially built up or composed of parts joined together in some definite manner. Structure does not include a structure incident to the use for agricultural purposes of the land on which the structure is located and does not include works of heavy civil construction including, but not limited to, a highway, bridge, dam, reservoir, lock, mine, harbor, dockside port facility, an airport landing facility and facilities for the generation, transmission, or distribution of electricity.⁹

This definition is broad enough to encompass barges and other watercraft with interior cabins.

As you have correctly noted, the U.S. Coast Guard traditionally inspected barges and other watercraft pursuant to its jurisdictional statute, which provides for the inspection of 15 specific types of “vessels.”¹⁰ The Coast Guard program completely occupied the field of vessel inspection, meaning that state and local authorities could not lawfully inspect vessels as structures under the Building Code.¹¹

In 2009, the Coast Guard reexamined its jurisdictional statute and determined that “permanently moored” watercraft do not qualify as “vessels,” since they are not practically capable of being used for transportation on water.¹² Accordingly, the Coast Guard adopted a new policy for determining whether a watercraft is a vessel. Whenever there is uncertainty regarding the status of a watercraft, a Coast Guard Officer in Charge, Marine Inspection (“OCMI”) examines the craft and makes a determination based on the totality of the circumstances. The following list of questions assists the OCMI in the evaluation process:

1. Is the craft surrounded by a cofferdam, land or other structure, such that although floating, it is in a “moat” with no practical access to navigable water?

⁸ The Construction Code is adopted by administrative rule pursuant to the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, as amended, MCL 125.1501 *et seq.*

⁹ MCL 125.1502a(b)(b).

¹⁰ 45 USC § 3301.

¹¹ *See, eg, California Federal Savings & Loan Ass'n v Guerra*, 479 US 272, 281 (1990) (explaining that state law cannot be applied when federal law leaves no additional room for regulation).

¹² 74 FR 21814 (May 11, 2009).

CONFIDENTIAL

P. VandenBosch

April 4, 2014

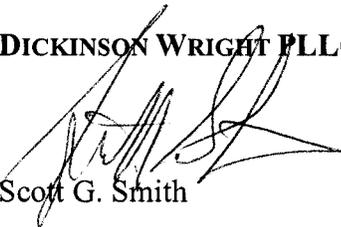
Page 4

2. Is the craft affixed to the shore by steel cables, I-beams or pilings, or coupled with land based utility connections for power, water, sewage and fuel?
3. If the craft were operated in navigation, would it be thereby endangered because of its construction?
4. What is the purpose, function, or mission of the craft?
5. Can the craft get underway in less than eight (8) hours?¹³

We understand that the proposed restaurant barge would have land-based utility connections for power, water, and sewage. Although it would in theory have access to the Black River, it may be tethered to the dock in a manner that makes it difficult to get underway. It appears that the barge would be used solely as a restaurant and not for any other purpose. Accordingly, we think that an OCMI might determine that the proposed barge is not a vessel subject to Coast Guard inspection. This means that federal law would no longer provide for inspection of the barge, and the City would be free to inspect it as a structure under the Michigan Construction Code.

We trust that this memorandum sufficiently responds to your inquiry. Please let us know if you have any further questions or would like further assistance.

Sincerely,

DICKINSON WRIGHT PLLC
Scott G. Smith

CNC/jlm

c: Brian Dissette

GRAPIDS 57671-1 319766v1

¹³ *Id.*

April 7, 2014

TO: Harbor Commission

FR: Paul VandenBosch

RE: Queen's Cup Event Agreement

South Haven Yacht Club has requested the use of municipal marinas for the 2015 Queen's Cup, which will be held June 26 and 27, 2015.

Staff has proposed a price of \$3,000 for two nights use of the South Side Marina. This price was based on previous negotiations for South Side Marina, and represents a transient boater revenue amount that might be received in the end of June. Queen's Cup boaters may fill all slips, headwall and raft within the marina or along the headwall at South Side Marina.

The marinas will keep at least four staff persons at South Side Marina from midnight to noon on June 27, which is the time period that most boats are expected to arrive. It is expected that a number of volunteers organized by SHYC will also assist with docking.

If there are slips not occupied by seasonal boaters at North Side Marina or Maritime Marina, those slips will be made available to Queen's Cup event boaters or South Haven Yacht Club boaters who are displaced from their slips at SHYC. Rafting will be permitted within the Maritime Marina. Rafting is not permitted at the North Side Marina.

Staff Recommendation:

Recommend to City Council approval of the Queen's Cup Event Agreement.

QUEEN'S CUP EVENT AGREEMENT

This Queen's Cup Event Agreement (the "Agreement") is made as of _____, 2014, between the City of South Haven, a Michigan municipal corporation with a principal address of 539 Phoenix Street, South Haven, Michigan 49090 (the "City"), and the South Haven Yacht Club, a Michigan nonprofit corporation with a principal business address of 401 Williams Street, South Haven, Michigan 49090 (the "Yacht Club").

RECITALS

- A. On June 26 and 27, 2015, the Yacht Club will sponsor the annual Queen's Cup Race, which is a sailing race from Milwaukee, Wisconsin, to alternating destinations in West Michigan (the "Race").
- B. The Yacht Club plans to use its own facilities as the finish line for the Race and a venue for the arriving boaters to tie down their boats.
- C. The Yacht Club has asked the City to allow Yacht Club members and Race participants to tie down boats at City marina facilities, and to provide sufficient staffing to assist with tie downs.
- D. The City Council, recognizing the numerous benefits that the Race will bring to the City and its residents, is amenable to accommodating the Yacht Club's request in accordance with the terms and conditions of this Agreement.

TERMS AND CONDITIONS

In exchange for the consideration in and referred to by this Agreement, the parties agree as follows:

1. **Definitions.** For purposes of this Agreement, the term "mooring" shall mean the act of holding a boat in place with ropes or cables attached to a dock immediately adjacent to the boat. The term "rafting" shall mean the act of holding a boat in place with at least one rope or cable attached to another boat.
2. **Removal Obligation.** The City shall cause all boats to be removed from the South Side Municipal Marina, as depicted in the attached **Exhibit A**, by 11:00 a.m. on June 26, 2015. The City shall not have any obligation to remove boats from other marina facilities.
3. **Grant of License.** The City grants the Yacht Club a temporary license to:
 - a. Use all slips in the South Side Municipal Marina for the mooring and rafting of boats.
 - b. Use available slips in the Michigan Maritime Marina, as depicted in the attached **Exhibit B**, for the mooring and rafting of boats.
 - c. Use available slips in the North Side Municipal Marina, as depicted in the attached **Exhibit C**, for the mooring of boats only. No rafting of boats shall be permitted in the North Side Municipal Marina.
4. **Term.** The term of the license granted under this Agreement shall commence at 11:00 a.m. on June 26, 2015, and terminate at 11:00 a.m. on June 28, 2015.

5. Assignment of Slips. The Yacht Club shall be solely responsible for determining which boats shall be moored and rafted in which marina facility.
6. Fees.
 - a. The Yacht Club shall pay the City a license fee of \$3,000 for use of the slips in the South Side Marina.
 - b. In addition, a fee in an amount equal to the transient slip fee, with rates as shown in the attached Exhibit D, shall be paid for each slip used in the Michigan Maritime Marina or North Side Municipal Marina as a result of the Race. If the City, for any reason, does not collect the fee from the individual boat owner occupying the slip, the Yacht Club shall be liable to the City for the fee amount.
 - c. The payment of fees by an individual boat owner shall not be construed as a contract between the City and such owner, as this Agreement is the sole contract relating to the use of the marina facilities during the Race.
7. Property Rights. This Agreement grants only a license to use and does not grant or convey to the Yacht Club any rights, title, or interest in the marina facilities. At the expiration of this Agreement the Yacht Club shall return the slips in the marina facilities to the condition they were in prior to the effective date of this Agreement. The Yacht Club shall pay any costs incurred by the City to repair or restore any licensed property to its pre-Agreement condition.
8. Staffing. The City shall provide sufficient staffing at South Side Marina to assist Race participants and boat owners who normally moor boats in the Yacht Club facilities to tie down their boats in the marina facilities. “Sufficient staffing” shall not be construed to mean more than four City staff members between the hours of 12:00 a.m. to 12:00 p.m. on June 27, or to mean more than two City staff members at any other time during term of this Agreement. City staff shall follow their ordinary procedures and practices when providing assistance in tying down boats, and shall not have any obligation to take direction from Yacht Club personnel.
9. Loss Payment (Indemnification). The Yacht Club shall hold the City (defined for purposes of this paragraph to also include the City’s officers and employees) harmless from, defend it against (with legal counsel reasonably acceptable to the City), and pay for any loss paid or owed by the City related in any way to the use of City facilities in connection with the Race. “Loss” means a monetary amount paid or owed for any reason, including for example: judgments, settlements, fines, replacement costs, staff compensation, decreases in property value, and expenses incurred in defending a legal claim.
10. Insurance. Throughout the term of the License granted under this Agreement, the Yacht Club shall obtain and maintain commercial general liability insurance with limits of not less than \$2,000,000.00 per occurrence and \$3,000,000.00 in the aggregate. All policies shall name the City (including its officers and employees) as an additional insured and certificate holder. Copies of certificates of insurance showing the coverage to be in place, that the premiums are fully paid, and that coverage cannot be terminated or modified except after 30 days prior written notice to the City, shall be provided to the City. Upon

request, the Yacht Club shall provide the City with copies of the policies of insurance and all endorsements.

11. Miscellaneous.

- (a) This is the entire agreement between the parties regarding its subject matter. This Agreement may not be modified or amended except in writing signed by the parties. It shall not be affected by any course of dealing. The captions are for reference only and shall not affect its interpretation. The recitals are an integral part of the Agreement.
- (b) The parties represent, warrant and agree that they have had the opportunity to receive independent legal advice from their attorneys with respect to the advisability of entering into this Agreement and are signing this Agreement after having been fully advised as to its effect. This Agreement shall be construed as if mutually drafted.
- (c) To the extent permitted by law, the jurisdiction and venue for any action brought pursuant to, arising from, or to enforce any provision of this Agreement shall be solely in the state courts in Van Buren County, Michigan.

CITY OF SOUTH HAVEN

SOUTH HAVEN YACHT CLUB

By: _____
Robert Burr, Mayor

By: _____
Its: _____

By: _____
Amanda Morgan, Clerk

Date Signed: _____, 2014

Date Signed: _____, 2014

EXHIBIT A
SOUTH SIDE MUNICIPAL MARINA

EXHIBIT B
MICHIGAN MARITIME MUSEUM MARINA

EXHIBIT C
NORTH SIDE MUNICIPAL MARINA

**EXHIBIT D
TRANSIENT SLIP FEE SCHEDULE**

2014 City of South Haven Rates	
South Haven Municipal Marinas Northside, Southside, and Museum Slips	
Slip Length or Headwall Boat Length	Daily Rate
25 feet	\$32
26 feet	\$34
27 feet	\$35
28 feet	\$36
29 feet	\$37
30 feet	\$39
31 feet	\$41
32 feet	\$42
33 feet	\$43
34 feet	\$45
35 feet	\$46
36 feet	\$50
37 feet	\$51
38 feet	\$52
39 feet	\$58
40 feet	\$59

41 feet	\$61
42 feet	\$62
43 feet	\$64
44 feet	\$65
45 feet	\$67
46 feet	\$68
47 feet	\$70
48 feet	\$71
49 feet	\$73
50 feet	\$74
51 feet	\$75
52 feet	\$77
53 feet	\$78
54 feet	\$80
55 feet	\$81
56 feet	\$83
57 feet	\$84
58 feet	\$86
59 feet	\$87
60 feet and over	\$1.48 per foot

319854v1

CITY OF SOUTH HAVEN

Special Events & Festivals Application

Special Event # _____

Date Received _____

The Special Events & Festivals Information Pamphlet must be read before filling out this application.

Complete and return this application to the Parks and Recreation Office at least 21 business days prior to the start of the event.

A new application must be submitted each year.

I have read the Special Events & Festivals Information Pamphlet and will fill out this application completely; agreeing to follow all policies and regulations set by the City of South Haven.

[Signature]
Initial

2.26.14
Date

CONTACT INFORMATION

Event Title: Queens Cup 2015

Sponsoring Organization: South Haven Yacht Club

Applicants Name: Todd Needham, Commodore

Telephone #: 616-291-5803 Phone # During Event: 269-637-2305

E-mail Address: southhavenyachtclub@gmail.com

Other contacts for/during event

Name: Roy Cooch Telephone: 269-217-1072

Name: Cheri Redfeld Telephone: 269-214-1870

EVENT SPECIFIC INFORMATION

Event Location: 401 Williams St. South Haven, MI

Date(s) Requested: Fri June 26 2015 + Sat June 27, 2015 Alternative Date(s): _____

Start Time: 8:00 AM 6/26/15 End Time: 2:00 AM 6/27/15

Any event that exceeds 10:00 P.M. has to be approved by City Council

Number of people expected to attend: 1000 +

EVENT DESCRIPTION

Please give a description of the event (Please attach a separate sheet with details if there is not enough space below).

As in 2012, SHYC will be the finish for the Queens Cup Race
Expecting 175-225 Sailboats (weather permitting) Will Leave
Milwaukee 6/26 evening + arrive SH Sat 6/27 ^{morning} carrying 400+ SAILORS.
South Haven Yacht Club will be open to the public

MAPS/LOCATION – mark event items on map(s)

Check items below that apply to your event. All items checked below must be indicated on the MAP(S). Maps can be found on the city's website. Please note, map(s) must be submitted with the Special Events & Festivals Application.

City property or city park use. Show locations of fencing, barriers, or barricades. Include streets and/or sidewalks to be closed or barricaded on map(s). To ensure requested items, such as cones or barricades, are reserved and available for the day of the event, please complete the **CONES AND BARRICADE REQUEST FORM** and submit it with the Special Events & Festival Application. Requested items are available Monday through Friday during office hours between 7:00am and 3:30pm; the office is closed during lunch from 12:00pm to 1:00pm. Should you require an alternate time a **\$50 After Hour Charge** will be assessed. Please note, if the Cones and Barricade Request Form is not submitted, the City of South Haven can not guarantee the requested items will be available for the event, **first come - first served, limited quantity available.**

Barricade Request: Mark locations on maps. Barricades that are damaged or not returned to the Public Works Department will be charged \$25.00 per barricade.

Cone Request: Mark locations on maps. Cones that are damaged or not returned to the Public Works Department will be charged \$10.00 per cone.

Explain closure The South Side Museum Marina will be occupied by sailboats as 2012. 6 Additional Slips needed 4 - 5' x 2 - 40' to moor displaced SHYC members

Entertainment, dance, tent or stage. Mark locations on maps. only on SHYC property

Event Command Post. Mark location on maps. S. Side Marina Boaters lounge Beginning 10pm on 6/26/15 - midnigh 6/27/15

Dumpsters and/or trash containers. The Mark location on maps.

Portable toilet facilities. Mark locations on maps. How many? South Side Marina 6 Showers 6 Bathrooms
The City requires the use of portable facilities for events expecting over 500 attendants.

Parade. Mark beginning area, the route* (with arrows) and finish area on maps

*If Business Route I-196 needs to be closed for the Parade you will need to contact Department of Public Works at 269-637-0737 to obtain a MDOT permit for road closure.

Participants. Mark parking areas, bus locations, and special passengers on maps.

Relay event. Indicate "hand-off" points and areas of participant equipment impact.

Aircraft landing / hot air balloons. Mark location on maps.

Fireworks/pyrotechnics site. Mark location on maps.

Vendors/General Merchandise concession areas. Mark areas on maps. Name of contact person for vendor(s)

Vendors and General Merchandise Concessions will not be allowed in the Central Business District (CBD). Please refer to the Special Events & Festivals Information Pamphlet for a detailed map of this area.

Name: _____ Telephone: _____

Note: Number will be given for all vendor inquiries. It is suggested that the Sponsoring Organization issue a paper permit to be displayed by vendor to let city and event staff now they are an approved vendor.

First Aid facilities. Mark location on maps. List agency providing staff and equipment on SHYC property

Name: _____ Telephone: _____

- Live animal sites. Mark location on maps and describe: _____
- Any other item(s) that should be included on maps. Explain: _____

ADDITIONAL EVENT INFORMATION

- Liquor License
 The sale and consumption of alcoholic beverages may occur on publicly-owned property located with the approved Downtown South Haven Special Event Area. Guidelines for such special event liquor licensing are available in the Special Event & Festivals Alcohol Policy. These policies require that an application be filed with the City of South Haven and the Michigan Liquor Control Commission.
City of South Haven Liquor License Application
Michigan Liquor Control Commission Website

Liquor license application must be submitted before the city will process this special event application.

- Noise: Please describe i.e. music, sound, amplification and any other noise that impacts surrounding area. Provide dates and times noise will occur. **All noise must stay with in the city's noise ordinance. Noise Ordinance Sec. 30-28. City Noise Ordinance will be enforced.** If you have any questions about the noise ordinance please contact the local police department 269-637-5151.

Live Music @ SHYC 6/27/15

Date: 6/27/15 Time: 11:00 Am - 11:00 pm
 Date: _____ Time: _____
 Date: _____ Time: _____

- Signage: Prior to the event a list of all signage (example: sandwich boards, banners, etc.) and placement of the signage needs to be turned in to the city's Parks and Recreation Supervisor. Upon submission the signage requests will be reviewed by the Parks and Recreation Supervisor; additional approval may be required.
- Street Marking: Painting and marking on roads and sidewalks should be held to a minimum, and paint specifically designed to wear away in a short period of time and approved by the city shall be used. Please contact the Parks and Recreation Supervisor for approved list.

CITY SERVICES

Are you requesting any utility services to be provided: Yes No
 If yes, explain: _____

If electric utilities requested, name of festival person or electrician who will be responsible:
 Name: _____ Telephone: _____

Will vendors be using electric utilities: Yes No
 If yes, the city's Electrical Inspector will be making inspections of all vendors using electric during events. A charge of \$10.00 per vendor will be billed to the Sponsoring Organization (NOT the vendor) following the event.

Will you require additional police services: Yes No
 If yes, explain: _____

Will you require additional fire/ambulance services: Yes No
 If yes, explain: _____

Additional fire information: Mark all that apply

- Tents Concessions Exits Compressed Gases
- Extinguishers Electrical Exposed Flames
- Other: _____

If you checked any box in the "Additional fire information" section, you **MUST** obtain a "FIRE & LIFE SAFETY (Form A3) REQUIREMENT FOR VENDORS, PARTICIPATING IN FESTIVALS, FAIRS AND ALL OTHER OUTSIDE EVENTS/ACTIVITIES" information form from the Deputy Fire Chief. Please contact the South Haven Area Emergency Services at 269-637-5151 located at 90 Blue Star Hwy.

The primary concern during an event is Public Safety. In the event of inclement weather the City of South Haven has the right to cancel or postpone any special event; this includes the City Manager, Police Chief or his designee and Fire Chief or his designee.

INSURANCE

The city requires proof of insurance (\$1,000,000) naming the City of South Haven as "additionally insured". The Proof of Insurance Certification needs to be turned in with the Special Event application.

Is the Proof of Insurance Certification Provided with Special Event Application? Yes No

REMINDERS

Please make sure the following items are turned in with the Special Events & Festivals Application

- Map(s)
- Proof of Insurance Certification *To be provided in 2015*
- Cones and Barricade Request Form (if applicable) *N/A*
- Submitted liquor license application (if applicable)

INDEMNIFICATION AGREEMENT

The undersigned agrees and promises, as a condition of approval of this Special Events & Festivals Application to defend, indemnify, and save harmless the City of South Haven, its agents, officials and employees from all suits, claims, damages, causes of action or demands of any kind and character arising out of resulting from or in connection with the use of said Public Property



Applicants Signature

2-26-14

Date

COMMODORE, SOUTH HAVEN YACHT CLUB

Please return to:
Parks and Recreation Supervisor
Department of Public Works
City of South Haven
1199 8th Ave
South Haven, MI 49010
Phone: 269-637-0772 / Fax: 269-637-4778
Hours: Monday-Friday 7:00a.m. – 3:30p.m.

Please remember this application must be submitted to the Parks and Recreation Office at least 21 business days prior to the start of the event.

South Haven Pierhead to Dyckman Bridge South Haven, Michigan

Queen's Cup 2012
Instruction to Captains

VHF 69 Race Committee
VHF 9 South Haven Marina
269-637-3171 South Haven Marina

When arriving in South Haven, the first marina building on the right is the race committee headquarters (Southside Marina). There is a touch and go dock for short term dockage (15 minutes) directly in front of the Southside Marina building. For overnight dockage, please hail the marina staff on VHF 9 or 269-637-3171.

You will be assigned a location in either the Southside Marina, South Haven Yacht Club or Museum Marina. Slips with water and electric are available; be aware that you may be boxed in by rafting boats. Due to the number of boats expected for the Queen's Cup, please be ready to raft up in the event that all slips are full. Please request either a slip or raft up.

Multihulls will be accommodated in the Museum Marina. Large monohulls (65 feet and above) will be accommodated on the Southside Marina Headwall.

