

Harbor Commission

Regular Meeting Minutes

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



City of South Haven

1. Call to Order

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

Also present: Joe Wiltgen, Applicant for the Restaurant Barge at 515 Williams Street

2. Approval of Agenda

Motion by Strong, second by Silverman to approve the agenda as presented.

All in favor. Motion carried.

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

Motion by Reineck, second by Strong to approve the March 18, 2014 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.

6. 515 Williams Street Restaurant Barge, Site Plan Review

VandenBosch explained that in his original review, he determined that if the barge were not inspected by the Coast Guard to carry passengers, it would be considered by the Coast Guard to be a land structure, and therefore as a structure would be subject to the prohibition on extending past the harbor line in Ordinance #740. The City Attorney opinion is that the

barge is not subject to limits on extending past the harbor line, in part because the ordinance did not use the Coast Guard definition of land structure. The City Attorney stated that building codes apply and according to VandenBosch, the city will work out code issues in the permit process through the building, electrical and plumbing codes. These will be reviewed after Planning Commission approval. VandenBosch recommends approval of the site plan because there does not appear to be a hazard to harbor traffic.

Reineck questioned the Idler, and that they extend further than the proposed barge. VandenBosch stated that he originally thought they were grandfathered in to the harbor line restrictions, but according to the City Attorney's opinion they may extend past the harbor line.

Strong asked about tying up boats to the barge; Joe Wiltgen said originally he planned to, but not now. Wiltgen noted that the original drawings showed gates on the outside railings for that purpose, but he has since decided against that.

Sullivan asked if this barge will be Coast Guard inspected. Wiltgen responded that it is a barge and after calls to many different Coast Guard stations, he learned that the Coast Guard does not inspect barges.

Sullivan expressed concern regarding a water event such as sinking or capsizing. VandenBosch said that there are no construction codes which directly address seaworthiness of a vessel. The inspector may be able to address some concerns such as construction material failure. With a barge, VandenBosch noted it will be seaworthy for a long time; it could be many years before the hull might begin to have issues with rust.

Sullivan questioned general safety to which VandenBosch responded that the building inspector will be reviewing ramps, handrails and walkways. Wiltgen stated that he has had the building inspector down there to the site multiple times and everything will be built to code. Wiltgen noted that his barge restaurant will not protrude as far out into the river as the Idler.

Reineck asked if VandenBosch has any concerns. VandenBosch said his concern initially was whether the City Code prohibited the barge from extending past the harbor line, but the City Attorney resolved that concern that in his opinion.

Silverman asked about navigation in the area of the barge and VandenBosch noted that it is tucked into a corner where it will be located so there seems to be no problem with navigation.

VandenBosch noted that the Harbor Commission's focus is harbor traffic and safety. Silverman stated that the two issues we had, based on the opinion of the City Attorney and your explanation, the protrusion onto the harbor lines is not a problem and navigation concerns do not exist.

Motion by Silverman, second by Strong to recommend approval of the application to the Planning Commission for the proposed restaurant barge at 515 Williams Street.

All in favor. Motion carried.

7. Queen's Cup Event Agreement

VandenBosch said this was a last minute item, and he has since talked to Commodore Todd Needham, who sent him some information. VandenBosch has asked the City Attorney to go through this and will call the attorney tomorrow so they can work through this agreement. VandenBosch recommended that the board table action on this item as there are some corrections that need to be made; no real big problems but VandenBosch would like the attorney to make the corrections and then meet with a representative of the Yacht Club and make sure the agreement is satisfactory to them.

Motion by Silverman, second by Reineck to table Item 7, Queen's Cup Agreement until corrections are made to the agreement by the attorney.

All in favor. Motion carried.

Member and Staff Comments

VandenBosch sent an email out to the Army Corps requesting soundings of the federal harbor. He believes that the shoaling in the federal channel may be a result of the dredging that was done. The Army Corps may have the expertise to determine whether the problem is due to something other than a natural event.

Silverman noted that the silt was not there before the dredging and it was there immediately after the dredging. Reineck said the dredger does soundings as they work so he cannot see how it could be from the dredging. VandenBosch said depth was twelve feet and six months later it is five and a half feet. So we are waiting on the Army Corps to do their soundings and get back to us.

Strong noted that we should let the lawyers work it out.

Silverman talked to about half a dozen boaters who had done the loop; four (4) had stopped in South Haven and all four (4) raved about our facilities and our community. That is a potential source of transient traffic, because there are an incredible number of boats doing the loop and there are a couple of places they all look for information. VandenBosch noted he gets the Waterways Guide and is waiting for the dredger to get done so he can send out a press release and get some free advertising. VandenBosch said he has gone to "Active Captain" and has put harbor information everywhere he could on that site. Silverman noted there is a hard copy Looper Newsletter that might be another place for a press release.

Adjourn

Motion by Reineck, second by Strong to adjourn at 5:52 pm

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary