

City Council

Regular Meeting Agenda

Monday, February 15, 2016
7:00 p.m., Council Chambers



1. Call to Order
2. Invocation – Father Rick Turner, Pastor at Holy Trinity Anglican Church
3. Roll Call
4. Approval of Agenda
5. **Consent Agenda: Items A thru E (Roll Call Vote Required)**
(All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. Unless requested by a Council Member or a citizen, there will be no separate discussion on these items. If discussion is required regarding an item, that item will be removed from the Consent Agenda and considered separately.)
 - A. Council will be requested to approve the City Council Joint Workshop Minutes from January 27, 2016.
 - B. Council will be requested to approve the City Council Regular minutes for February 1, 2016.
 - C. Council will be requested to approve the City Council Special Closed Workshop minutes for February 1, 2016.
 - D. Council will be asked to approve invoices totaling \$307,089.88 for the period ending February 14, 2016 be approved and forwarded to the Clerk and Treasurer for payment.
 - E. Council will be asked to approve the following minutes:
 - 1) December 8, 2015 Parks Commission minutes;
 - 2) December 16, 2015 Housing Commission minutes;
 - 3) January 7, 2016 Planning Commission minutes; and
 - 4) January 19, 2016 Harbor Commission minutes;

If a member of the public wishes to address any of the following items listed on the agenda they will be given a chance to speak prior to Council discussing the item. They will be given up to 5 minutes to address their concerns.

NEW BUSINESS

6. Council will be asked to consider Resolution 2016-10, a resolution granting local government approval of a liquor license transfer from 561 Huron Street, Café Julia, to 527 Phoenix Street.
7. Council will be asked to consider a motion to approve a one year agreement with the Greater South Haven Area Chamber of Commerce for the management and oversight of the city's farmers' market operations.
8. Council will be asked to consider the following approvals:

- a. Council will be asked to consider a motion to approve the five year operating agreement and alcohol service policy with Liberty Hyde Bailey Museum, 903 South Bailey, to be effective from 2016 calendar year through 2021 calendar year.
 - b. Council will be asked to consider a motion to approve the annual alcohol service special events list from Liberty Hyde Bailey Museum for the 2016 calendar year.
9. Council will be asked to approve the following events:
- a. Special Event Application 2016-01 – Harborfest 2016 to be held on June 16-19, 2016 beginning at noon on June 16, 2016 at Riverfront Park.
 - b. Special Event Application 2016-03 – North Shore Elementary 5k/Field Day to be held on June 7, 2016 from 9:30 a.m. to 11:30 a.m. with the route planned for Baseline Road, Kentucky Avenue, and North Shore Drive.
10. Council will be asked to consider Resolution 2016-11, a resolution appointing a Board of Review, establishing a rate of compensation and meeting schedule for tax year 2016.
11. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda
(You will be given up to 5 minutes to address your concerns.)
12. City Manager's Comments
13. Mayor and Councilperson's Comments
14. Adjourn

RESPECTFULLY SUBMITTED,



Brian Dissette, City Manager

**Casco Township Board, South Haven Charter Township Board,
South Haven City Council Joint Workshop
Wednesday, January 27, 2015
6:00 p.m., Lake Michigan College, South Haven Campus
125 Veterans Blvd., Room 141**

MINUTES

1. Call to Order by Mayor Burr at 6:05 p.m.

2. Roll Call

Present: Jeff Arnold, Clark Gruber, Andy Klavins, Steve Schlack, Scott Smith, Bob Burr

Absent: Vickiy Kozlik Wall

3. Approval of the Agenda

Opening of the work session by South Haven City Council:
Moved by Gruber, seconded by Schlack, to open the work session.
Voted Yes: All. Motion carried. Work session opened.

4. Board and Council members will receive a presentation on the sanitary sewer and Waste Water Treatment Plant planning efforts related to proposed capital improvement projects.

Chris Cook of Abonmarche, gave a lengthy presentation regarding the sanitary sewer and Waste Water Treatment Plant planning efforts related to proposed capital improvement projects. This presentation is included in the agenda packet.

5. Board and Council members will receive a presentation on the proposed regional water/sewer authority structure.

South Haven City Attorney Scott G. Smith and Townships' Attorney Ron Bultje gave a presentation on the proposed regional water/sewer authority structure. This presentation is included in the agenda packet.

Brian Dissette, South Haven City Manager, and Ross Stein, South Haven Township Supervisor, spoke on practices in the current system and the permitting process.

6. Interested Citizens in the audience will be heard on items not on the agenda

How has the allocation for the proposed SHAWSA board members (3-SH City, 2- SH Charter Twp., 2- Casco Twp.) been determined?

- Brian Dissette answered that it was modeled after the SHAES Authority and we can't have even numbers on a board because it may result in gridlock.

One citizen said he doesn't mind going to City Hall, South Haven Township Hall, DPW and back to Township Hall to get his permits but he does mind the high monthly cost in his bill.

- Brian Dissette and Ross Stein discussed the permitting process.

A Casco Township citizen commented that they would be happy if their bill was \$100 a month but it is higher.

What safeguards do we have from this spiraling out of control? How would this reduce the debt for Casco Township?

- Scott G. Smith answered that the water/sewer authority does nothing to existing debt held by the townships or the city only goes to the legal structure if approved.

Why hasn't the city tested all areas of the city and how areas for improvement were selected?

- Chris Cook answered that we are working to address limitations to the Wastewater Treatment Plant making it more efficient and up-to-date. SAW isn't done. The bulk of testing has been done in the city but more is to come. SAW grant put more cameras into sewers, meters, loose manholes in the city. Looking for areas where improvements will get the most bang for the buck. Work being done now is trying to minimize the amount of inflow into the system.
- Brian Dissette said that the Indian Grove Lift Station near Hope Church in particular is slated for improvements because it has overflowed dumping raw sewage into Lake Michigan.
- Scott G. Smith noted that with infiltration of storm water into the sewer system causes users to pay for every gallon of storm water to get treated unnecessarily. Also, users have to pay for the wear and tear on the wastewater treatment system to handle extra capacity including sand, grit, etc. from storm water.

Casco Township prefers to stay rural and wants no expansion; by joining a new authority there will be no autonomy for Casco Township. What is the advantage to Casco Township users?

- Scott G. Smith answered that the advantages are no duplication of services, using the existing system to add customers, and concrete provisions in agreement – voting, etc. under this authority format, Casco would get a vote. Casco can also chose to do nothing.

A Casco Township citizen suggested to put off implementation for as long as possible because no one understands what is going on. This is going to be debt ridden situation and small townships like Casco can't afford this.

- Allan Overheiser, Casco Township Supervisor, said we will move as fast as we can or as slow as we have to. This is an introductory meeting to answer everyone's questions.
- Ron Bultje, Townships' Attorney, spoke about Casco's autonomy under this partnership and that there will be no growth or expansion unless Casco wants it.

What do you foresee with this type of authority?

- Scott G. Smith answered that the new authority will replace the old and will include the city and not just two townships. Ross Stein would remain the Chair for the SHAWSA. Township will still have uniform ordinances. Expansions will be local issues, taxing will be combined issues. Same powers with the two townships in dealing with the city. When the city is not part of the authority it is not limited by the authority.

What are the number of users by city and by the townships?

- Brian Dissette would find that information and pass it along.

A Casco Township citizen said that she wouldn't have moved to Casco Township if it didn't have city water & sewer since she has lived in areas where the water has been tainted. Along with efficiency comes effectiveness.

- Brian Dissette said that the annual water quality statement can be found at the main page of the city's website (www.south-haven.com), it lists what the city has been testing for in the water service.

If we compared the Casco water bill to one in the city or South Haven Charter Township, would they be the same outside of the debt?

- Scott G. Smith answered that, yes, commodity charges and standby fees are the same but other charges are built in for debt service. If this gets implemented everything would be at parity but for the existing debt. Eventually, everything will be the same, the operation, maintenance, repair, and replacement (OMRR) cost will be at parity. But until then, each unit will carry in their own debt.

If there is maintenance specific to the townships or city, would it be charged accordingly or would it be spread amongst all customers?

- Brian Dissette said that existing upgrades are divided out - 2/3 for city and 1/3 to townships.

Is a projected increase in capacity?

- Chris Cook answered that there isn't a need for extra capacity but there is need to update the lift station, diminish storm water going into the WWTP, and repairs on Kalamazoo Street to fix run-off issues – all repairs are to fix induction of flow. We see significant flows from the townships that would also have to be addressed.

If, under the proposed authority, a “non-user” of the system could stay a “non-user” and not be liable to pay.

- Yes.

Why are the connection fees different for each township and the city?

- Scott G. Smith said that it depends on what the connection fee is used for. If it is used to pay for debt retirement, then not everyone is going to have the same fee. If it isn't, then it would be the same connection fee.

On reducing infiltration, will the 1.3 million in special assessments be assessed for all properties in the water district or all properties who use it?

- Special assessments are only applied in the city and on the road that is being worked on. Brian Dissette said that long-time practice whenever expanding sewer mains is where special assessment is levied. Bidding out public projects means that the numbers aren't sold until the bid is done.

How will the new authority save money? How will eliminating functions will retain township autonomy?

- Scott G. Smith answered that, currently, the townships do not have a seat at the table. The city has actively sought input with the Water Filtration Plant and plan to with Wastewater Treatment Plant but the city doesn't have to include the townships and isn't required to do so.

A Casco Township citizen commented that he appreciates work by attorneys, engineers, boards of the townships and city. He recently moved to Casco and has been attending board meetings since September. He cautioned other residents that if they're not going to meetings they aren't going to know what is going on.

Getting a seat at the table makes Casco Township responsible and questioned if that tradeoff is equitable for Casco or is it better to be customers with higher rates and no votes?

- Ron Bultje, Township's Attorney, answered that everybody pays if you are part of the system. Improvements are going to happen anyway and you will have to pay for it. Pipes go somewhere and you pay for the destination.

Why wasn't Covert Township included in this water/sewer authority?

- Brian Dissette answered that Covert has only water service and no sewer service.

Will the monthly bills would go down since he pays an extra \$60 dollars to Casco Township for a failed development that went bankrupt?

- Ron Bultje affirmed that the authority does not extinguish debt service.

Cherie Brenner, Casco Township Clerk, advised the audience that they (Casco Township Board) will not take a vote tonight and plan to hold future meetings about this topic.

City of South Haven
Joint Workshop Minutes
Lake Michigan College, Room #141
6:00 p.m., Wednesday, January 27, 2016

7. Staff member comments

Brian Dissette, City Manager for South Haven City, said that the slideshow documents will be available tomorrow on the city's website: www.south-haven.com.

8. Board and Council member comments

None.

9. Adjourn

Moved by Schlack, seconded by Gruber, to close the work session.

Voted Yes: All. Motion carried. Meeting adjourned at 8:21 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Kate Hosier". The signature is written in a cursive, flowing style.

Kate Hosier
Deputy City Clerk
Approved by City Council:

ATTENDANCE SHEET

Joint Workshop Water/Sewer

January 27, 2016

53

(Please return sign-in sheet to front desk)

Please Print: Name, Address & Email address. Thank you!	
1	CAROL RICE [REDACTED]
2	Brian Dissen 539 Phoenix bdisse@e-south-haven.com
3	Kate Hosier 539 Phoenix kthosier@south-haven.com
4	Cheri Bronner 917 Blue Star
5	Morty Green " - 21
6	Andy Greff [REDACTED]
7	Wayne & Mary Dennis [REDACTED]
8	John & Cecile Johnson
9	Paul & Pat Shagin
10	David & Mary Campbell
11	Tom Tucker
12	Deana Ostermann [REDACTED]
13	Bill Gault [REDACTED]
14	Lu Wyl, Southaven
15	Klindt Houlbey S.H. Case

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ATTENDANCE SHEET

<i>Please Print: Name, Address & Email address. Thank you!</i>	
16	Allan Overhiser
17	Scott Smith
18	Steve Schloede
19	Mary Whitford Casco
20	Greg Knisley Casco
21	MARK KOLAS CITY & CASCO
22	Clay Grafton (Javis)
23	Anthony Appleby of
24	Larry Bodtko
25	Paul Kay SPT TOWNSHIP
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ATTENDANCE SHEET

Please Print: Name, Address & Email address. Thank you!	
31	MIKE HENRY [REDACTED]
32	Jeanne Van Zoeren [REDACTED]
33	BERNICE LOPATA, [REDACTED]
34	Carol May [REDACTED]
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City Council

Regular Meeting Minutes

Monday, February 1, 2016
7:00 p.m., Council Chambers



1. **Call to Order by Mayor Burr at 7:03 p.m.**
2. **Invocation – Reverend Travis Wilson, Pastor at Peace Lutheran Church**
3. **Roll Call**

Present: Jeff Arnold, Clark Gruber, Andy Klavins, Vickiy Kozlik Wall, Steve Schlack, Scott Smith, Bob Burr
Absent: None.

4. **Approval of Agenda**

Moved by Kozlik Wall, seconded by Arnold, to approve the agenda.
Voted Yes: All. Motion carried.

5. **Consent Agenda: Items A thru D (Roll Call Vote Required)**

Moved by Gruber, seconded by Smith to approve the Consent Agenda as follows:

- A. Council will be requested to approve the City Council regular minutes for January 18, 2016.
- B. Council will be requested to approve the City Council Special Workshop minutes for January 18, 2016.
- C. Council will be asked to approve invoices totaling \$1,218,256.72 for the period ending January 31, 2016 be approved and forwarded to the Clerk and Treasurer for payment.
- D. Council will be asked to approve the following minutes:
 - 1) October 26, 2015 Zoning Board of Appeals minutes;
 - 2) November 17, 2015 Liberty Hyde Bailey Museum minutes;
 - 3) November 18, 2015 Airport Authority minutes;
 - 4) November 30, 2015 Board of Public Utilities minutes;
 - 5) December 15, 2015 Liberty Hyde Bailey Museum minutes; and
 - 6) December 21, 2015 Board of Public Utilities Special Meeting minutes.

A Roll Call Vote was Taken:

Yeas: Arnold, Gruber, Klavins, Kozlik Wall, Schlack, Smith, Burr
Nays: None.

Motion carried.

If a member of the public wishes to address any of the following items listed on the agenda they will be given a chance to speak prior to Council discussing the item. They will be given up to 5 minutes to address their concerns.

NEW BUSINESS

- 6. Council will be asked to consider a motion to schedule a workshop session to begin the annual priority setting process.**

Moved by Smith, seconded by Schlack, to schedule a workshop session to begin the annual priority setting process for March 7, 2016 at 5:30 p.m. in Conference Room B with a follow up session on March 14, 2016 at 6:00 p.m. if needed.

Voted Yes: All. Motion carried. Workshop session to be set for March 7, 2016 at 5:30 p.m. in Conference Room B with a follow up session on March 14, 2016 at 6:00 p.m. if needed.

- 7. Council will be asked to consider the following actions related to updating license agreements and special event approvals for the South Haven Center for the Arts and the Michigan Maritime Museum:**

- a. City Council will be asked to approve of Resolution 2016-07, a resolution approving an agreement with the South Haven Center for the Arts, for use at the 523 Phoenix Street location. The agreement, if approved by the Council, will formally acknowledge and allow the Art Center, a local nonprofit organization, to host events which include alcohol service.**

Moved by Klavins, seconded by Kozlik Wall, to approve Resolution 2016-07, a resolution approving an agreement with the South Haven Center for the Arts, for use at the 523 Phoenix Street location.

Voted Yes: All. Motion carried.

- b. City Council will be asked to approve of Resolution 2016-08, a resolution approving an agreement with the Michigan Maritime Museum, for use at the 260 Dyckman Avenue location. The agreement, if approved by the Council, will formally acknowledge and allow the Maritime Museum, a local nonprofit organization, to host events which include alcohol service.**

Moved by Gruber, seconded by Arnold, to approve Resolution 2016-08, a resolution approving an agreement with the Michigan Maritime Museum, for the use at the 260 Dyckman Avenue location.

Voted Yes: All. Motion carried.

- 8. Council will be asked to approve Special Event Application 2016-02 – Island Sit 2016 to be held on February 27, 2016 from 7:00 a.m. to 7:00 p.m. at the Welcome Island on Phoenix Street hosted by We Care Inc.**

Moved by Kozlik Wall, seconded by Arnold, to approve Special Event Application 2016-02 – Island Sit 2016 to be held on February 27, 2016 from 7:00 a.m. to 7:00 p.m. at the Welcome Island on Phoenix Street hosted by We Care Inc.

Voted Yes: All. Motion carried.

9. Council will be asked to approve Resolution 2016-09, a resolution amending the 2016 South Haven Municipal Marina Rates.

Kate Hosier, Acting Harbormaster, spoke briefly to Council about this resolution.

Moved by Smith, seconded by Klavins, to approve Resolution 2016-09, a resolution amending the 2016 South Haven Municipal Marina Rates.

Voted Yes: All. Motion carried.

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

Sandy Fenske, 2 Pine Street, addressed the Council regarding a letter from Linda Anderson, Zoning Administrator.

Susan Ryan, 37 Cass Street, addressed the Council regarding residential zoning and gave suggestions regarding 51 Cass Street.

Joe Reeser, 615 Monroe Boulevard, addressed Council regarding the negative aspects to rentals in a residential neighborhood.

11. City Manager's Comments

No comment.

12. Mayor and Councilperson's Comments

Klavins – Basketball program at the high school is doing very well and is still undefeated.

Smith – Thanks for the comments.

Arnold – No comment.

Gruber – Planning Commission workshop Wednesday at 10:00 a.m. and the regular meeting Thursday at 7:00 p.m. Thanks for the comments.

Schlack – Thanks for the comments, we appreciate it. It's Icebreaker Festival and we anticipate a lot of people in town. Have fun and be safe. Happy Birthday to Vickiy.

Kozlik Wall – Icebreaker weekend and hopes that weather holds for the ice sculptures. Try to shop locally and many stores will have discounts to get ready for summer inventory. Be mindful of your neighbors over this weekend.

Burr – No comment.

City of South Haven
Regular Meeting Council Minutes
City Hall, Council Chambers
7:00 p.m., Monday, February 1, 2016

13. Adjourn

Moved by Schlack, seconded by Klavins, to adjourn the meeting.
Voted Yes: All. Motion carried. Meeting adjourned at 7:32 p.m.

RESPECTFULLY SUBMITTED,

A handwritten signature in black ink, appearing to read "Kate Hosier". The signature is written in a cursive, flowing style.

Kate Hosier
Deputy City Clerk
Approved by City Council:

City Council

Special Closed Meeting Minutes

Monday, February 1, 2016
6:00 p.m., Conference Room B



1. Call to Order by Mayor Burr at 6:04 p.m.

2. Roll Call

Present: Jeff Arnold, Clark Gruber, Andy Klavins, Vickiy Kozlik Wall, Steve Schlack, Scott Smith (at 6:11 p.m.), Bob Burr

Absent: None.

3. Approval of Agenda

Moved by Kozlik Wall, seconded by Arnold, to approve the agenda.

Voted Yes: All. Motion carried.

4. Council will be asked to go into closed session pursuant to Michigan Open Meetings Act; Public Act No. 267 of 1976; MCL 15.268(e) to discuss strategy in connection with specific pending litigation.

Moved by Kozlik Wall, seconded by Klavins, to go into closed session pursuant to Michigan Open Meetings Act; Public Act No. 267 of 1976; MCL 15.268(e) to discuss strategy in connection with specific pending litigation.

A Roll Call Vote was taken:

Yeas: Arnold, Gruber, Klavins, Kozlik Wall, Schlack, Smith, Burr

Nays: None.

Motion carried. Went into closed session at 6:05 p.m.

Moved by Kozlik Wall, seconded by Smith, to go into open session.

Voted Yes: All. Motion carried. Went into open session at 6:38 p.m.

Moved by Arnold, seconded by Gruber, to approve the recommendation of counsel made in closed session involving the Bonjenoor v. City of South Haven case.

Voted Yes: All. Motion carried.

5. Adjourn

Moved by Klavins, seconded by Arnold, to adjourn the meeting.

Voted Yes: All. Motion carried and meeting adjourned at 6:39 p.m.

City of South Haven
Special Closed Meeting Council Minutes
City Hall, Council Chambers
7:00 p.m., Monday, February 1, 2016

RESPECTFULLY SUBMITTED,

A handwritten signature in black ink, appearing to read "Kate Hosier". The signature is written in a cursive style with a large initial "K".

Kate Hosier
Deputy City Clerk
Approved by City Council:

CITY OF SOUTH HAVEN**February 15, 2016**

	PREPAID	CURRENT	TOTAL
101-GENERAL FUND	\$ 17,433.46	\$ 72,353.97	\$ 89,787.43
202-MAJOR STREET FUND	\$ -	\$ -	\$ -
203-LOCAL STREET FUND	\$ -	\$ -	\$ -
204-STREET FUND	\$ 43.94	\$ -	\$ 43.94
226-GARBAGE/REFUSE FUND	\$ 120.40	\$ 30,949.25	\$ 31,069.65
250-DOWNTOWN DEVELOPMENT	\$ 23.22	\$ 1,336.44	\$ 1,359.66
251-LDFA #1	\$ 16.19	\$ -	\$ 16.19
252- LDFA #2	\$ -	\$ -	\$ -
253-LDFA #3	\$ -	\$ -	\$ -
260-BROWNFIELD AUTHORITY	\$ -	\$ -	\$ -
265-NARCOTICS UNIT	\$ -	\$ -	\$ -
266-POLICE TRAINING	\$ -	\$ -	\$ -
296-RIVER MAINTENANCE	\$ -	\$ -	\$ -
363- CAPITAL BOND	\$ -	\$ -	\$ -
370- BUILDING AUTHORITY #2	\$ -	\$ -	\$ -
371-CAPITAL BOND DEBT SERV	\$ -	\$ -	\$ -
372-WATER PLANT FUND	\$ -	\$ -	\$ -
395-DDA DEBT SERVICE	\$ -	\$ -	\$ -
396- DDA DISTRICT #2	\$ -	\$ -	\$ -
401-CAPITAL PROJECTS	\$ -	\$ -	\$ -
402-CAPITAL PROJECTS #2	\$ -	\$ -	\$ -
466- PAVILION AND ICE RINK	\$ -	\$ -	\$ -
545-BLACK RIVER PARK	\$ 511.61	\$ 444.83	\$ 956.44
577-BEACH FUND	\$ 710.95	\$ -	\$ 710.95
582-ELECTRIC FUND	\$ 14,615.47	\$ 17,184.39	\$ 31,799.86
591-WATER FUND	\$ 43,533.45	\$ 9,972.59	\$ 53,506.04
592-SEWER FUND	\$ 53,093.45	\$ 2,928.44	\$ 56,021.89
594-MUNICIPAL MARINA	\$ 5,799.35	\$ 1,889.51	\$ 7,688.86
636-INFORMATION SERVICES	\$ 831.29	\$ 17,149.95	\$ 17,981.24
661-MOTOR POOL	\$ 1,791.21	\$ 14,356.52	\$ 16,147.73
677-SELF INSURANCE	\$ -	\$ -	\$ -
703-TAX FUND	\$ -	\$ -	\$ -
718-TRUST & AGENCY	\$ -	\$ -	\$ -
750-EMPLOYEE WITHHOLDING	\$ -	\$ -	\$ -
TOTAL	\$ 138,523.99	\$ 168,565.89	\$ 307,089.88

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
Bank 1 FIFTH THIRD BANK						
01/29/2016	1	53477	003099	5TH DISTRICT COURT	CASH BOND	200.00
01/29/2016	1	53478	000463	CITY OF SOUTH HAVEN	BD PAYMENT REFUND TO BE APPLIED TO FOIA	275.89
01/29/2016	1	53479	UB REFUND	GOLE, DAVID F	UB refund for account: 41370007	3.52
01/29/2016	1	53480	UB REFUND	HEAD, DIANE M	UB refund for account: 30288005	197.99
01/29/2016	1	53481	UB REFUND	HEBEL, ROB S	UB refund for account: 21524001	70.29
01/29/2016	1	53482	UB REFUND	HUDSON, DAVID	UB refund for account: 10700007	392.79
01/29/2016	1	53483	MISC	KRIPAITIS ROBERT R TRUSTEE	BD Payment Refund	24.11
01/29/2016	1	53484	UB REFUND	PARK MEADOWS APTS	UB refund for account: 30458711	52.73
01/29/2016	1	53485	UB REFUND	SHULMAN, ARI	UB refund for account: 20122501	38.32
01/29/2016	1	53486	UB REFUND	WALTERS, THOMAS A	UB refund for account: 10295401	349.91

1 TOTALS:

Total of 10 Disbursements:

1,605.55

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
Bank 1 FIFTH THIRD BANK						
02/02/2016	1	53487	002424	SOUTH HAVEN/CASCO	MONTHLY REU DEBT CHARGES	78,626.96
					MONTHLY REU O & M CHARGES	9,515.60
						<u>88,142.56</u>
02/03/2016	1	53488	MISC	SCOTT SMITH	FEE FOR ECONOMIC DEVELOPMENT PROJECT AGR	3,688.00
02/05/2016	1	53489	003304	APPRAISALS PLUS GROUP, INC.	ASSESSING SERVICES	3,605.00
02/05/2016	1	53490	000309	A.D. BOS OFFICE COFFEE SERVICE	COFFEE & SUPPLIES	81.24
02/05/2016	1	53491	000337	BRONSINK & BOS EQUIPMENT	PARTS	227.88
02/05/2016	1	53492	000375	C.T. ELECTRICAL SERVICES INC	REPLACED EMERGENCY BALLASTS & REPAIRED S	2,507.58
02/05/2016	1	53493	000418	CDW GOVERNMENT INC	TONER	217.82
02/05/2016	1	53494	000498	COMCAST	INTERNET SERVICE 01720 188884-01-4	50.20
02/05/2016	1	53495	000519	CONSUMERS ENERGY	ELECTRIC 1000 1414 0337	79.79
					ELECTRIC 1000 1414 0568	40.99
					ELECTRIC 1000 1414 0840	36.85
						<u>157.63</u>
02/05/2016	1	53496	000648	BRIAN DISSETTE	MILEAGE REIMBURSEMENT	59.40
02/05/2016	1	53497	UB REFUND	DOMINGUEZ, MARGARITA	UB refund for account: 13625901	218.24
02/05/2016	1	53498	000837	FREIGHTLINER OF KALAMAZOO	PARTS	39.31
02/05/2016	1	53499	000843	FRONTIER	TELEPHONE 269-637-9127-080204-5	83.83
					TELEPHONE 616-040-6480-021893-5	26.28
					TELEPHONE 616-001-2946-100103-5	74.16
					TELEPHONE 231-189-0674-032599-5	2,321.66
					TELEPHONE 269-637-0261-052112-5	153.27
					TELEPHONE 269-639-2048-112509-5	46.46
					TELEPHONE 269-639-9531-040500-5	110.42
					TELEPHONE 616-001-7480-082805-5	70.23
					TELEPHONE 269-637-7466-021392-5	473.99
					TELEPHONE 269-637-4778-082302-5	46.58
					TELEPHONE 269-637-1402-071613-5	126.54
					TELEPHONE 269-637-3649-041905-5	56.58
					TELEPHONE 269-637-7926-011395-5	42.72
					TELEPHONE 269-637-1386-071613-5	71.83
					TELEPHONE 269-639-1795-082214-5	77.96
					TELEPHONE 231-197-0043-051713-5	58.44
						<u>3,840.95</u>
02/05/2016	1	53500	000847	FUEL MANAGEMENT SYSTEM	FUEL	2,829.94
02/05/2016	1	53501	000994	HAPA LLC	MARINA MANAGER	5,581.89
					BLACK RIVER PARK MANAGEMENT FEE	500.00
						<u>6,081.89</u>
02/05/2016	1	53502	001067	HI TEC BUILDING SERVICES	JANITORIAL SERVICE	4,141.07
02/05/2016	1	53503	001286	JARED KNOX	CDL LICENSE REIMBURSEMENT	25.00
02/05/2016	1	53504	001544	MENARDS	MAINTENANCE SUPPLIES	66.35
					MAINTENANCE SUPPLIES	9.89
						<u>76.24</u>
02/05/2016	1	53505	001607	MICHIGAN ELECTRIC COOPERATIVE	2016 EMPLOYEE SAFETY PROGRAM	12,110.00
02/05/2016	1	53506	003153	ROBERT MILLER JR	CONSULTATION CONTRACT - JANUARY	1,300.00
02/05/2016	1	53507	001752	DAVID MULAC	CONFERENCE REGISTRATION & HOTEL REIMBURS	518.28

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
02/05/2016	1	53508	003165	JAMES PEZZUTO	HOSE REEL REIMBURSEMENT	184.33
02/05/2016	1	53509	UB REFUND	PLEASANT VIEW MHP-SOUTH HAVEN	UB refund for account: 20827004	83.99
02/05/2016	1	53510	UB REFUND	PLUNKETT, GEORGE	UB refund for account: 30782000	317.93
02/05/2016	1	53511	002132	REPUBLIC SERVICES #646	DISPOSAL SERVICES	120.40
02/05/2016	1	53512	002272	SEELYE AUTO GROUP	REPAIRS	89.95
02/05/2016	1	53513	002447	LINDA SPEARS	ALTERATIONS	51.00
02/05/2016	1	53514	002478	STAPLES ADVANTAGE	SUPPLIES	139.20
					SUPPLIES	1,448.56
						<u>1,587.76</u>
02/05/2016	1	53515	002644	TRACE ANALYTICAL LAB INC	CHEMICAL ANALYSIS	365.00
02/05/2016	1	53516	002645	TRACTOR SUPPLY CREDIT PLAN	SUPPLIES ACCT#6035 3012 0016 6427	271.23
					SUPPLIES ACCT#6035 3012 0016 6427	199.99
					SUPPLIES ACCT#6035 3012 0016 6427	39.99
					SUPPLIES ACCT#6035 3012 0016 6427	42.98
					SUPPLIES ACCT#6035 3012 0016 6427	44.87
					SUPPLIES ACCT#6035 3012 0016 6427	76.98
					GLOVES & CAP ACCT#6035 3012 0016 6427	41.97
					BOOTS ACCT#6035 3012 0016 6427	111.99
					SUPPLIES ACCT#6035 3012 0016 6427	59.88
						<u>889.88</u>
02/05/2016	1	53517	002724	UPS STORE #5080	SHIPPING FEE	51.28
					SHIPPING FEE	49.41
						<u>100.69</u>
02/05/2016	1	53518	002728	USA BLUE BOOK	GLOVES	511.54
02/05/2016	1	53519	002792	VERIZON WIRELESS	CELL PHONES 886568152-00001	1,809.35
02/05/2016	1	53520	002936	WINKEL'S COMMUNICATION INC	PURCHASE & INSTALL RADIO IN KABOTA TRACT	710.70
02/05/2016	1	53521	UB REFUND	WOLGENSINGER, LOUISE A	UB refund for account: 13508902	63.33
02/05/2016	1	53522	002949	WOLVERINE HARDWARE	MAINTENANCE SUPPLIES	16.19
					MAINTENANCE SUPPLIES	2.69
					MAINTENANCE SUPPLIES	34.33
					MAINTENANCE SUPPLIES	61.15
						<u>114.36</u>

1 TOTALS:

Total of 36 Disbursements:

136,918.44

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
						5,640.43
02/15/2016	1	53562	001590	MICHIGAN CAT	SUPPIES	365.61
02/15/2016	1	53563	001657	MICHIGAN TOWNSHIP SERVICES	ELECTRICAL INSPECTIONS	1,086.00
02/15/2016	1	53564	001766	MUZZALL GRAPHICS	ENVELOPES	1,780.00
02/15/2016	1	53565	001853	NORTHERN FIRST AID	FIRST AID SUPPLIES - DPW	99.95
02/15/2016	1	53566	001866	NYE UNIFORM COMPANY	NAME TAGS	84.60
02/15/2016	1	53567	001888	OKUN BROTHERS SHOES	BOOTS	144.71
02/15/2016	1	53568	001948	PAT'S PRONTO PRINT	DECALS	560.00
					BUSINESS CARDS	82.00
						<u>642.00</u>
02/15/2016	1	53569	001972	PETERS & SONS MFG CO	KEYS	872.00
02/15/2016	1	53570	002002	PLUMBER'S PORTABLE TOILETS	RENTALS	140.00
02/15/2016	1	53571	002020	POWER LINE SUPPLY CO	MAINTENANCE SUPPLIES	3,292.50
					MAINTENANCE SUPPLIES	147.56
					GLOVES	102.00
					MAINTENANCE SUPPLIES	446.92
					MAINTENANCE SUPPLIES	1,389.66
					GLOVES	102.00
					MAINTENANCE SUPPLIES	951.50
					MAINTENANCE SUPPLIES	549.36
					MAINTENANCE SUPPLIES	34.79
					MAINTENANCE SUPPLIES	921.58
					CREDIT MEMO	(158.33)
						<u>7,779.54</u>
02/15/2016	1	53572	002132	REPUBLIC SERVICES #646	DISPOSAL SERVICES 3-0646-1079813	3,107.85
					DISPOSAL SERVICES 3-0646-1079814	115.66
					DISPOSAL SERVICES 3-0646-9646005	28,817.82
						<u>32,041.33</u>
02/15/2016	1	53573	002155	RIDGE AND KRAMER AUTO PARTS	MAINTENANCE SUPPLIES	93.90
					MAINTENANCE SUPPLIES	93.90
					MAINTENANCE SUPPLIES	116.33
					MAINTENANCE SUPPLIES	3.94
					MAINTENANCE SUPPLIES	25.26
					MAINTENANCE SUPPLIES	138.84
						<u>472.17</u>
02/15/2016	1	53574	003093	RIDGE AUTO PARTS	MAINTENANCE SUPPLIES	5.69
02/15/2016	1	53575	002267	SECANT TECHNOLOGIES	MONTHLY MANAGEMENT FEE	4,307.50
02/15/2016	1	53576	002453	SPENCER MANUFACTURING, INC	REPAIR POLE LIGHT	198.00
					INSTALL LIGHTS	787.00
					LED AMBER BEACON	349.00
						<u>1,334.00</u>
02/15/2016	1	53577	002478	STAPLES ADVANTAGE	SUPPLIES	334.66
					SUPPLIES	689.24
						<u>1,023.90</u>
02/15/2016	1	53578	003078	STATE OF MICHIGAN	STORAGE TANK ANNUAL CERTIFICATION FEE	61.50

02/10/2016 11:52 AM
User: MARGUE
DB: South Haven

CHECK REGISTER FOR CITY OF SOUTH HAVEN
CHECK DATE FROM 02/15/2016 - 02/15/2016

Page: 4/4

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
02/15/2016	1	53579	002599	THAYER INC	DPW SUPPLIES PARKS SUPPLIES	1,061.72 722.56
						<u>1,784.28</u>
02/15/2016	1	53580	002883	WEST MICHIGAN DOCUMENT	SHREDDING SERVICE	<u>45.00</u>

1 TOTALS:

Total of 58 Disbursements:

168,565.89

Parks Commission

Regular Meeting Minutes

Tuesday, December 8, 2015
6:00 p.m., Council Chambers



1. Call to Order by Reinert at 6:00 p.m.

2. Roll Call

Present: Fitzgibbon, McAlear, Moore, Toneman, Reinert
Absent: Cobbs, White

3. Approval of Agenda

Motion by McAlear, second by Moore to approve the December 8, 2015 regular meeting agenda as presented.

All in favor. Motion carried.

4. Approval of Minutes for the Record – November 10, 2015

Motion by Fitzgibbon, second by McAlear to approve the November 10, 2015 regular meeting minutes as written.

All in favor. Motion carried.

5. Public Comments and Inquiries Concerning Items not on the Agenda

None at this time.

REPORTS

6. Project Updates.

Halberstadt updated the board regarding the following projects:

The city got notification yesterday on four grant awards. We will be getting \$37,500 from the Michigan Natural Resources Trust Fund for new skid piers at Black River Park; the North Beach Redevelopment grant request was approved for \$300,000; the proposed BMX Pump Track project was awarded \$42,800; and another \$37,500 grant was approved for restrooms at Black River Park.

In response to a question by Reinert regarding time frame, Halberstadt explained that he is not sure of time frame of construction, adding that these projects are in a tentative phase until the governor makes the formal announcement.

Fitzgibbon spoke about previous discussion regarding Kids' Corner noting that a decision has not been formally made whether to renovate the existing play structure or replace it. Fitzgibbon expressed that she feels very strongly about this. Fitzgibbon spoke about the Leather's Park pictures that she shared, noted that it is a viable option to do replacement of wood with composite and stressed that the city does not need another red, blue and yellow play structure. Fitzgibbon suggested moms of baby boomers could come together again and organize to do something. Halberstadt noted some play elements might need to be replaced to meet modern safety standards and agreed it would be a shame to tear the Kid's Corner play structure down and replace with something generic when the city has something that was custom designed for the community.

In response to a question by Moore about the Water Street project, Halberstadt explained that some of the land is formally part of Riverfront Park. Halberstadt can put an update on the agenda for next month.

McAlear commented positively on the handicapped boat launch, both location and the quality of the construction.

NEW BUSINESS

7. Commission will be requested to continue review of the City Gift Policy.

Reinert stated at the last meeting it was suggested that the commission review and send any concerns or comments before this meeting, noting the proposed draft is in the packet.

Halberstadt noted that he did not get any feedback and reminded that this is a somewhat difficult topic as people may want to donate things and sometimes they will want something back; sometimes they want to give for some other reason so the city has to be a little careful not to accept something that is so complex that it cannot be maintained properly. Fitzgibbon noted the city has rejected things in the past and Reinert felt the language in the draft gives the city some flexibility.

Fitzgibbon expressed concern about the life cycle care fund and the need to establish a perpetual care fund. Halberstadt said the intention is that the donor will be charged for installation of the donation by staff an additional fee that covers the maintenance of the item. Fitzgibbon pointed out that some things cost more than others to maintain. Halberstadt explained that once this is adopted we can go back and decide on other items besides the standard bench and put together a list of the items and the costs. In response to Moore's concern about rising costs, Halberstadt said such a list would have to be adjusted over time to reflect rising costs.

Reinert asked about language regarding a sizable donation, if the splash pad were donated, for example, would the city do the maintenance? Halberstadt pointed out section 6A. Other

donations, which states donations that do not fit any of the categories in the gift policy may be subject to review by City staff, the appropriate board(s) and/or Commission(s) and City

Council. Approval of a special donation agreement may be required. Halberstadt referenced a recent license agreement with HASH for brick pavers.

Toneman asked about Section 4C. Maintenance, noting each item will need a life-cycle established so a potential donor will know how long they will be required to maintain the proposed donation.

Reinert said there are some details in another section of the proposed gift policy and McAlear added that, based on his experience in the insurance industry, a normal life cycle is seven (7) to ten (10) years; if it fell within your guidelines, that's the normal depreciable time. Fitzgibbon noted the section which gives the city the right to remove something after ten (10) years.

Reinert questioned whether it is clear what the rights are of the person sponsoring it to put other items on the bench and noted that recently she saw that someone had fastened a floral memorial arrangement onto a bench. "Are we clear in the policy that once the donation is made it becomes city property?" Reinert said maybe language should be included that would prohibit such and Fitzgibbon concurred that language needs to be added stating that there be no personal attachments to donated items.

Moore commented on 3C. Longevity, noting that gives the city an opening to do whatever they need to do once an item is "no longer suitable for the purpose." Halberstadt said it is very difficult, especially for people who donated prior to the original gift policy in 2004, to deal with those issues. Reinert said in the introduction in the second paragraph, it should be clearly stated that the donation given in memory or in honor of someone is not a memorial marker but add "it is considered to be part of the parks system." Reinert gave an example of a situation that could occur: a bench may be placed where the splash pad is going to go and the city should be able to make the decision to remove and relocate the bench.

Reinert thinks we are really close on this draft and asked Halberstadt to take the items we have mentioned and make the additions or clarifications so the policy is very clear.

After a question Halberstadt said he can speak with the city manager regarding the need for having the city attorney review the gift policy.

McAlear asked if items that were brought up before as issues should be addressed tonight. Halberstadt suggested going through the list.

Discussion ensued regarding whether there are any plans to put in sidewalk along Monroe Boulevard on the bluff side and whether the city is placing benches right where there might be a sidewalk placed at some future date. There was also discussion about whether or not to add something that would limit the number of benches allowed to be placed along the Monroe Street bluff in the future. Fitzgibbon said that should be included; that there are a certain number of benches allowed. Moore asked whether there has been any more discussion about purchasing the four lots there, which might include room for more benches.

Halberstadt said if we purchased the property we may be able to add benches, if permitted by the purchase agreements and deed restrictions. Moore strongly suggested that we not have any more benches placed along Monroe unless or until the city has more area.

Discussion then turned to placing a limit on the number of benches that could be donated for a particular individual. Halberstadt reminded of the situation where two different people wanted to donate a bench for one individual, and agreed that we need to add that the limit is one item per individual being memorialized or honored.

Moore wondered if there is a time frame to give the city money if a donated item needs to be replaced. Halberstadt said if someone donates a bench and ten years has gone by, there will have to be some staff judgement regarding whether or not to remove or replace it. If an item is beyond the projected life span, there needs to be evaluation of the item to determine whether the item is still usable or is deteriorating beyond being maintained. Moore posed the question of what to do if an item has a ten year projected life cycle and is unusable and deteriorated in five years. Halberstadt explained that on the benches we are collecting enough money to stain the benches every couple of years, but not enough for major maintenance.

Discussion ensued regarding how something damaged by vandalism would be repaired or replaced. Halberstadt said in that case it could be covered by city insurance. After comparison with other city's donation charges, there was discussion encouraging boosting the cost of the bench, since the city is currently charging a very small amount.

McAlear likes the wording on the Ann Arbor donation application, which states if the gift or memorial placed under this application is damaged intentionally or unintentionally, or needs to be removed for any other reason after the ten (10) year period of the date of installation, that the donor agrees that the City may remove the donated item at its discretion." Fitzgibbon agreed that something like that is needed. Halberstadt said in stating "life cycle" there is not a statement citing ten years in the policy. Fitzgibbon stressed the importance of it being clear that it is the Park Commission or City that determines the life cycle.

Toneman explained what he brought up before about the life cycle, that as items are chosen for donation there will be a life cycle pre-determined. Moore agreed with need for a projected life cycle.

In discussion of what types of gifts the city wants to accept, Reinert reminded that it had previously been talked about with staff of the need to look at proposed plans and recognize what the needs are. Halberstadt suggests assembling a list with common site furnishings such as picnic tables, benches and trash cans. Larger donations could be determined by specific projects going on in the city. Reinert asked about doing donations toward the replacement of materials at Kids Corner. McAlear said the old policy has a list under item #6. Reinert said that is in the draft so it is addressed.

Under Funding it was noted that there had already been discussion about that and Halberstadt agreed that he can update that reflecting the boards' recommendation for bumping up the cost of donations.

Reinert asked for comments on how to encourage donations elsewhere in the city than Monroe Boulevard. Toneman said let people know what needs there are. Reinert suggested putting in the newsletter that goes out with the utility bills. McAlear noted you need to sell the idea. Moore said if benches are more expensive, perhaps other items will be donated. Toneman mentioned the upcoming Black River Park upgrades; Fitzgibbon noted the tables

and benches in Dyckman Park and Reinert suggested having plaques for donations of picnic tables in all the parks.

During discussion about gifts donated prior to adoption of gift policy, Halberstadt explained that is why the language is included about the city reserving the right to move or remove an item. Fitzgibbons noted that the maintenance of some donated items has been difficult. Reinert said once a donation is made, the city now owns it and should have the right to maintain, move or remove. Reinert said we need to keep the meaning of "donation" in mind, and write our policy with that in mind.

Toneman said maybe there should be a section regarding what to do about items donated before the first gift policy. Halberstadt noted again, the city reserves the right and noted that unless something is a serious safety hazard, the city staff does not want to remove anything if it is still in good repair.

Reinert said we need to stand by the policy. Toneman pointed out that if the donor is demanding things it was not a donation. Reinert observed that there is a fine line but we need to make that line clear; once it is donated the memorial item is the property of the city. Toneman said we need a general statement like that to give the city a little more freedom to plan.

Reinert asked if we should tweak this one more time before we submit it for approval. Halberstadt will go through the minutes, tweak the gift plan and send out an updated draft by email. Toneman agreed that it could be emailed to the commissioners, that there is no need to have another meeting to do that. Reinert requested that Halberstadt highlight the changes so the updates could easily be found.

Moore and Fitzgibbon would like to add to Section 6F. Buildings, Structures, and Public Art "playground items or playground equipment."

8. Commission will be requested to establish a schedule of Regular Meeting Dates for the 2016 Calendar Year.

Reinert asked if everyone agrees that the second Tuesday of the month at 6:00 p.m. works for everyone.

Halberstadt suggested that consideration be given to not scheduling a meeting in December, noting that the Board of Public Utilities does not schedule a regular meeting in December. The BPU normally meets on the last Monday of the month so they do not meet in December unless they need a special meeting. Reinert said because the Parks Commission has meetings canceled throughout the year, and with snowbirds, maybe

meeting in December is the last time all would be together. Toneman said if there isn't anything talk about the meeting can be canceled.

Motion by Moore to continue the same schedule as usual. Second by McAlear.

All in favor. Motion carried.

9. City Engineer Comments

Farewell to Council Representative Fitzgibbon

Halberstadt thanked Fitzgibbon for the years of service to City Council and Parks Commission. There was discussion of term limits and who would be appointed for 2016 as Council Rep to the Parks Commission. Moore noted that it makes a difference to have some history here, that it takes a few months to get up to speed.

Reinert expressed that she is really sorry she has only had a short time since to serve with Fitzgibbon, thanked her and said Fitzgibbon would be really missed.

10. Commissioner Comments

Fitzgibbon: I appreciate all of you. I am still very interested in Kid's Corner. I think we will have to have another community build; I think people would be interested and I might be involved.

McAlear: With the property values in that area there should not be a problem raising funds for Kid's Corner.

Moore: Asked Fitzgibbon whether she has any words for those of us left here.

Fitzgibbon: There is a certain amount of power in a commission; you examine an issue and bring it to council. Yes, council can change it, but know your power and decide what you want for the parks. Know that City Council does have the final say, but they are very much looking for your input.

Reinert: Town looks absolutely beautiful.

11. Adjourn

Motion by Toneman, second by McAlear to adjourn at 7:01 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary

SOUTH HAVEN HOUSING COMMISSION
Regular Meeting
Warren Senior Community Center
540 Williams Street, South Haven, Michigan 49090
December 16, 2015

CALL TO ORDER: The Regular Meeting of the South Haven Housing Commission (SHHC) was called to order at 5:10 p.m. by Chairperson Eugene Ladewski at the South Haven Housing Commission Warren Senior Community Center, 540 Williams Street, South Haven, Michigan.

ROLL CALL: Present: Chairperson Eugene Ladewski, Vice-Chairperson Sandra Seroke, Commissioner Tom Thomson, Commissioner Letitia Wilkins and City Council Representative Gail Patterson. Absent: Commissioner Teresa Mahone-Jordan. Also present: Executive Director and Secretary Charles Fullar and SHHC Senior Maintenance Worker Ben Price. Executive Director Fullar reported that Commissioner Teresa Mahone-Jordan contacted the Housing Commission office to report her meeting absence. It was moved by Vice-Chairperson Seroke to excuse Commissioner Teresa Mahone-Jordan; the motion was seconded by Commissioner Wilkins. All votes in favor. Motion carried. It was moved by Vice-Chairperson Seroke to amend the agenda to include New Business item 7. Rental Incentive for 82-1 Family Housing; the motion was seconded by Commissioner Thomson. All votes in favor. Motion carried. City Council Representative Gail Patterson noted that at the end of December she will no longer serve on the City Council. The city will appoint a new representative to the SHHC.

INVOCATION: City Council Representative Gail Patterson delivered the invocation.

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PUBLIC COMMENTS: None.

CONSENT AGENDA: 1) Minutes of the Regular Meeting November 18, 2015. 2) Current Operating Expenses - \$63,074.91. 3) Homeownership Expenses - \$0.00; 2013 Capital Fund - \$34,000.00; 2014 Capital Fund - \$1,357.54; and 2015 Capital Fund - \$0.00. 4) Administrative Reports for Approval: Occupancy and Waiting List Reports; Monthly Investment Report; Delinquent Accounts Report; Accounts Receivable Balance Due Report; and Income and Expenditures Report for November 2015. 5) Correspondence: November 20, 2015, HP Article; and December 12, 2015, HP Article. 6) Other Reports: None.

It was moved by Vice-Chairperson Seroke to approve the Consent Agenda; the motion was seconded by Commissioner Wilkins. All votes in favor. Motion carried.

UNFINISHED BUSINESS: 1) Status Report on CFP Projects: Executive Director Fullar reported the Harbor View retaining wall project is 100% complete and closed out. The ceiling fans, thermostats, and improved lighting fixture contract is 87% completed and will be 100% completed before the end of December.

NEW BUSINESS: 1) Employee Health Insurance Renewal for Calendar Year 2016: Executive Director reported that SHHC employees will be contributing 20% toward their total health care costs in 2016, to be in compliance with the current law requirements. Executive Director Fullar reviewed the 2016 Priority Health Insurance options and emphasized that there is 2.20% reduction in cost for 2016, compared to the current 2015 policy provisions. Policy renewal begins January 1, 2016. It was moved by Vice Chairperson Seroke to approve the January 1, 2016 Priority Health Insurance renewal; Seconded by Commissioner Wilkins. All votes in favor. Motion carried.

2) Employee Dental and Vision Insurance Renewal for Calendar Year 2016: Executive Director Fullar reviewed the Security Life dental, vision and life insurance cost and the rates effective January 1, 2016. There are no cost changes from the 2015 rates to the 2016 rates. Employees contribute 20% of the total dental, vision and life insurance cost for 2016. It was moved by Vice Chairperson Seroke to approve the 2016 Security Life dental, vision and life insurance premium rates effective January 1, 2016, with employee contribution of 20% of the Security Life premium costs; Seconded by Wilkins. All votes in favor. Motion carried.

3) Employee HSA Contributions for 2016: It was moved by Vice Chairperson Seroke to approve to fund the 2016 employee Health Savings Accounts in the same amounts as prescribed in 2015, as applicable to single and family users. Employee contributions of 20% of total health insurance costs include the 2016 employer Health Savings Account contributions. The contributions are to be dispersed on a quarterly base throughout the 2016 calendar year; Seconded by Wilkins. All votes in favor. Motion carried

4) Resolution No. 15-14, Update and Amend Cafeteria Plan:

Resolution No. 15-14

Adopt, Amend or Restate Cafeteria Plan

WHEREAS, the Board of Directors of South Haven Housing Commission deems it to be in the best interest of its employees and officers to adopt, amend or restate its Cafeteria Plan under Section 125 of the Internal Revenue Code of 1986, as amended, and

NOW THEREFORE BE IT RESOLVED, by the South Haven Housing Commission of the City of South Haven that hereby adopts and approves this Cafeteria Plan as amended and restated to become effective as of 01/01/2016 pursuant to the Adoption Agreement and Cafeteria Plan which are attached hereto; and

THEREFORE BE IT RESOLVED FURTHER, that the Executive Director of the South Haven Housing Commission shall have the authority to:

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- a. Execute this Adoption Agreement and Amended Cafeteria Plan, and other documents and agreements as may be necessary to implement the Plan;
- b. Appoint a plan administrator for such plan, and change such administrator from time to time with the advice and consent of the Board of Directors;
- c. Contract with BASIC to provide assistance to the plan administrator in establishing and maintaining such plan; and

THEREFORE BE IT RESOLVED FURTHER, that the Secretary of the Board is directed to enter a copy of this Adoption Agreement and this Cafeteria Plan, as amended, into the records of the South Haven Housing Commission, and into the minutes of this meeting.

It was moved by Vice-Chairperson Seroke to approve the foregoing Resolution No. 15-14 as introduced and read; Seconded by Commissioner Wilkins. All votes in favor. Thereupon Chairperson Ladewski declared said motion carried.

5) 2016 Annual Plan Preliminary Review and Input: Executive Director supplied 2016 Annual Plan information and components for review. No action was required by the SHHC.

6) 2016 Capital Funding Preliminary Review and Input: Executive Director supplied 2016 Capital Fund Program information and components for review. No action was required by the SHHC.

7) Rental Incentive for 82-1 Family Housing: In an effort to increase the Family Housing Program waiting list, staff recommends reducing our minimum family eligibility requirements from three to two persons for a six-month period or until we have six families on the waiting list: It was moved by Commissioner Wilkins to approve reducing the minimum family eligibility requirements for the 82-1 Family Housing Program from three to two persons for a six-month period or until there are six families on the waiting list; Seconded by Commissioner Thomson. All votes in favor. Motion carried.

EXECUTIVE DIRECTOR'S REPORT: No Report.

COMMISSIONER'S COMMENTS: Commissioners extended appreciation to City Council Representative Gail Patterson for her service to the Housing Commission.

ADJOURNMENT: It was moved by Commissioner Wilkins to adjourn; the motion was seconded by Vice-Chairperson Seroke. All votes in favor. Motion carried. Meeting adjourned at 6:10 p.m.

Respectfully submitted:

Approved January 27, 2016



Charles R. Fullar, Secretary



Eugene Ladewski, Chairperson

Planning Commission

Regular Meeting Minutes Thursday, January 7, 2016 7:00 p.m., Council Chambers



City of South Haven

1. Call to Order by Paull at 7:00 p.m.

2. Roll Call

Present: Fries, Gruber, Heinig, Miles, Peterson, Stimson, Webb, Paull
Absent: Frost

Motion by Heinig, second by Stimson to excuse Frost for personal reasons.

All in favor. Motion carried.

3. Approval of Agenda

Motion by Heinig, second by Gruber to approve the January 7, 2016 agenda as presented.

All in favor. Motion carried.

4. Approval of Minutes – December 3, 2015

Motion by Stimson, second by Peterson to approve the December 3, 2015 regular meeting minutes as written.

All in favor. Motion carried.

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

Paull stated that contentious items are being considered. Instructed all, including members of the commission, to be civil, not attack anyone verbally or intellectually. There will be opportunity during these two (2) agenda items for limited public input, although a public hearing is not part of this agenda or discussion.

Susan Ryan, 37 Cass Street. Spoke about commercial development in residential zones, referencing various portions of the Zoning Ordinance.

Jack Fitzer, 24.5 Grand Boulevard or 35 Walk A. Spoke about recent zoning amendments not addressing the issues as he sees them; requested the Planning Commission continue to look at zoning changes in Monroe Park.

Elaine Herbert, 140 North Shore Drive. Spoke about her surprise to read in the minutes of the Council meeting and other places that there was a large plan to redo all of North Shore Drive starting in September of this year.

6. New Business - Site Plan Review for 132 Northshore Drive

Paull announced he will at some point allow for some limited comment from the gallery; would appreciate that we not spend more than ten (10) to fifteen (15) minutes total on such comments.

Michael Burnett, 132 North Shore Drive. Stated he is asking for nothing beyond what is allowed in the current ordinances; no variances, not a foot or an inch more. Worked for months with a local architect to ensure that his request met the zoning requirements. Burnett said it will be a home and when I do not occupy it, it will be rented.

Paull asked for the size of the applicant's family. Burnett said he just welcomed a new daughter, and hopes to be blessed with more. Spoke of enjoying Christmas with his wife's family in a small home, mentioning where various family members lived.

Gruber asked about Burnett's duplex at 95 North Shore Drive, noting that in 2013, during the meetings regarding that project, Burnett mentioned that he thought that someday he would like to locate to South Haven to which Burnett responded, "Yes, we fell in love with it, like the local contractors and vendors and others worked with on the other project. We believe in and enjoy this town." Burnett also noted a good friend who bought a home in 2009 is hoping to retire here in the next year.

Gruber asked whether or not Burnett stated that the property at 95 North Shore Drive would be a permanent residence to which Burnett responded that he envisioned using 95 North Shore Drive; he did use it; his wife had her baby shower there; they are thrilled to have the opportunity to use it; and "when we aren't using the properties others can use them."

Gruber asked about parking changes to the property at 132 North Shore to which Burnett responded the covered porch area will be a carport.

Paull asked how many parking spaces are designated on the property to which Burnett responded nine (9) but he hopes there will not be that many, noting that he believes in car sharing, carpooling and mini-vans. Gruber pointed out that cars will have to be parked in a line, necessitating people moving their cars to allow others to leave to which Burnett noted that when a family is at a property, "you throw them your keys to the vehicle last in line and they borrow the car to do their errand."

Peterson asked about Burnett's intention of renting by the room or by the floor to which Burnett said we have never even contemplated doing one room, one floor or even Air B & B.

Paull said over the course of the last month or so we have been looking at similar kinds of buildings and gave an analogy of duck to which Burnett stated, "First of all, it was designed as a home by my architect, with one kitchen, a very large kitchen designed for

group and family get-togethers. It is not designed to rent separate rooms to private individuals; I don't even think there is one non-private restroom."

Paull asked if the property at 132 North Shore is a business to which Burnett responded that he owns it personally and he rents it personally. Paull asked if he would be deriving income and Burnett said, "Yes, there is income involved."

Gruber expressed his appreciation of Burnett's use of local contractors, his love of South Haven, especially with everything that is going on regarding a rental ordinance. Gruber noted Chairman Paull's reference to the weak ordinance, the repealed rental ordinance, and added that the community is trying to put something together and a home of this size does not fit with this plan. Burnett responded that he appreciates this comment, but he purchased this property at a price that reflected that this is in the RM-1 district; that he is all about improving things; that the 95 North Shore Drive lot was vacant, littered with dog excrement and beer bottles; noted the value at that time and the added value due to him spending an enormous amount of money. Burnett stated that he appreciates what this community is talking about; he understands, but there is a distinction of certain areas where things are allowed and the objective to not do things in areas in which that community may be destroyed. Burnett noted that at both 95 North Shore Drive and this house, it is his belief that no one has ever resided there full-time. He is going to improve it and build a beautiful building. Paull asked if the building looks to be more than a single family home to which Burnett responded that it sounds large because we are including the basement in the square footage and spoke of the size of the footprint.

Stimson directed a question to the city attorneys who were present, "Throughout this process with the moratorium and the permits being issued, nothing has been done illegally, and the applicant followed the rules in place at the time?"

Scott Smith, City Attorney: Explained that the application for a permit was filed on November 12, 2015; on November 16th the moratorium was put into effect. The city followed the practice always followed; the single family home was not put through a site plan review by Planning Commission. When the single line in the Zoning Ordinance was pointed out, Smith noted, "We overlooked this; the permits were revoked; we contacted Mr. Burnett and we required him to come before this body."

Stimson asked, "Is it not a one (1) family dwelling?" Smith responded that the city had overlooked that line in the Zoning Ordinance and thus had not required single family homes to go before the Planning Commission for site planning. Stimson asked "Everything else was okay?" Smith stated that otherwise the applicant's sight plan complies with the Zoning Ordinance. His application was in before the moratorium but no site plan review by Planning Commission was done.

Paull explained that the moratorium was put into place to prevent the kind of development this project represents. Paull stated this is a tough issue with him; on one hand we have acted as a community to begin to resolve the problem of seasonal rentals, large buildings and other aspects of our community that is changing and need regulating. On the other hand this application has seemed to squeak in and that bothers him; all good intentions of the developer aside, it is a commercial business; a lodging facility and should be recognized as a lodging facility and regulated accordingly. Paull stated "I think this building violates our intention of the moratorium."

Stimson said this application and building permit was done before the moratorium; we had a previous rental ordinance that was then taken off the books by the City Council; when the work was done the applicant was not doing anything wrong. Paull responded that this community has a moral responsibility to do more than follow just the letter of the law, but to act in behalf of the citizenry of the community.

Peterson noted that these things are usually, if not close to cut and dried; pretty cut and dried. With the flurry, the blizzard of information and outpouring of input it is making this much less cut and dried. Peterson stated that he believes, along with other people, he has issues with some things. Whatever comes from tonight, the most impressive thing is that people are out here and expressing opinion.

Webb said the rental ordinance we are putting together will take care of a lot of the concerns that we have; we are going to address occupancy, parking, noise, and are working on creative parking solutions that we will be talking about in the near future. Webb stated that she does not like what this project has done to our community; all the negativity; so does not like the project for that reason. "But when somebody buys a property, they have their rights to use it the way our zoning states that they can, so that is what I have a hard time with, when you start cutting out the black and white and start making emotional decisions, that's what I have a hard time with."

Heinig noted that the question in his mind at this point does not have anything to do with the looks of the building or the owner's intentions but what the requirements meant in terms of filing the site plan. "It's a question in my mind. I've heard what Smith said. I am not sure those requirements have been met.

Smith reiterated that the applicant's application for a building permit and for administrative site plan review was filed on November 12th. That was what had been understood and always been applied. On the 13th the Planning Commission met and recommended to City Council that they impose a moratorium. On the 16th City Council imposed a moratorium; a few days later the applicant filed for site plan review by this body. That application was given a date of November 12th because that is when the application would have been filed had the applicant been properly instructed. Smith explained the moratorium states that the city shall not issue permits or approvals, so even if the application was in, the permit or approval could not have been issued before the moratorium, because it required approval by this body and this body could not meet by the time the moratorium went into effect.

Paull said we are facing a sticky issue; "Is there anyone who wishes to try to resolve it?"

Paull opened the meeting to limited public comment.

John Lohrstorfer, 712 Maple Street. Stated he has been a permanent resident for five (5) years; that this does not have to be an emotional issue at all. Noted that the city attorney and the Planning Commission recommended the moratorium. "In this case, you didn't just stop everything, you provided a path for someone who wants to do a home for over thirty-five hundred (3500) square feet; the standards are on page two (2) of the resolution. The applicant has to certify in writing that for five (5) years, or until a rental ordinance is adopted, that this property will not be used for a rental. Mr. Burnett admitted in the questioning today that he is going to live there, but I heard nothing that would qualify for a Principal Residence Exemption (PRE) by state law or ordinance. The pathway is to follow

the law that has been enacted in November.” Lorsdorfer stated that Mr. Burnett could go back and amend his site plan application and enumerated some other options; stated that it hinges on when the event starts. Noted that in 1993 he defended someone in a case and the conclusion was that when building permits have been applied for but not issued, vested rights are not in place. When the application is up for approval it must meet the standards of the moratorium.

R.K. Kripaitis, owner, 140 North Shore Drive, Yelton Manor. Spoke about his objections to the proposed building at 132, next to Yelton Manor; that their Bed & Breakfast (B & B) was allowed in the RM-1 zone with a special use permit; that Mr. Burnett would have to present his proposal as a B & B and apply for it as in the code; that a B & B or a PRE would be welcomed; that the proposed building would be on an identical property to the Manor itself. Kripaitis noted that the Manor’s guest capacity is twenty-two (22) with an apartment for the innkeeper. In 1988, to build it, basement guest rooms were not allowed and the innkeeper must have an apartment, by code we had to provide parking so we had to cut a piece of property twelve feet (12’) by one hundred thirty-two feet (132’) from the adjacent Guest House property. “I object to the boarding house at 132 as it is not a single family home; it is a boardinghouse. It’s too expansive for the property, doesn’t provide for parking and should only be allowed to be developed to any allowable use in RM-1.”

Bob Hiddema, 212 Monroe Street. Spoke about looking at the site plan drawings and that there are discrepancies in regards to the entrance between the first floor and on the west elevations. “That brings the question why you need two (2) entryways for a single family home twenty feet (20’) from each other.” Noted he discussed this with an architect friend who enumerated the signs that might indicate this is not a single family home including two (2) entryways. “Is it possible to lock out part of it? You can by running a wall down the middle of the house. Can the city follow up? How will you know?” Hiddema requested that the commission recognize this as a small business and a boardinghouse. Noted he had a small business here and was required to follow the international code, which supersedes the Michigan code and the local code.

Eric Guerin, representative for Herbert & Kripaitis. Pointed out two quick things. “First of all, that it is permitted, that it is a single family dwelling, which it is not. Redefining the single family dwelling. The only other thing is the moratorium clearly applies; recognize that the developer wasn’t told that he had to have a site plan review by this commission. He has no protection from the ordinance.”

Michael Burnett: Stated there is no intention to turn this into two units. “This will be used as one home, not with two (2) entrances leading to two (2) units for two (2) different groups. I’m here for site plan review, respectfully. I know there is a great deal of information out there; I’m glad that you were given that information; I’d like to focus on the opportunity to have the plan review which I was alerted to way after the fact. I did submit everything well before the deadline, even before I knew there was discussion of a moratorium. All that I ask is to be allowed to do what the law and zoning ordinances allow. I did not ask for an inch more than I was allowed. I hope that is what will be considered. I have absolutely no intention to rent it by the night, by the room or as two units.”

Motion by Gruber: Although the permit complies with zoning requirements, I move to deny site plan approval based on the moratorium enacted by the City Council on

November 16, 2015, which provides that “the City shall not issue any zoning, building, or other permits or approvals” for specified large dwellings intended to be used for short-term rentals, with the denial being subject to reconsideration when the moratorium expires or is terminated by the City Council.

Gruber offered this additional explanation: This means that the Planning Commission can consider this application again after the moratorium expires or terminates earlier due to the adoption of ordinance amendments.

Second by Heinig.

Paull called for discussion. There was none.

A roll call vote was taken, with a yes vote being to deny the application.

Ayes: Gruber, Heinig, Miles, Peterson, Stimson, Webb, Fries, Paull

Nays: None

Motion carried.

(Chair Paull called for a 10 minute recess.)

7. Other Business – Rental Ordinance discussion

Paull explained this is a progress report by the sub-committee to the full commission. The sub-committee is seeking question or comments. Paul noted, “Although some public comment may be allowed, the actual amount is up to my discretion.”

Anderson: “You received a copy of the draft ordinance and I have heard back from some planning commissioners and sub-committee members. It is important to remember it is a draft. The sub-committee has been studying for three (3) months; looking at other communities’ ordinances; looking at what works and what doesn’t; worked with legal counsel to come up with a draft. The avalanche of emails we have received we have forwarded to you. It is important to remember that starting on Wednesday at 10:00 a.m. we will begin to get into the issues. Some of the things I saw as a pattern: the majority of members agree that the R1-C should be included in Single Family Residential provisions of the ordinance, addressing existing rentals that do not have enough parking, perhaps an overlay or special regulations. Many rentals have reservations for this summer or going into 2017; if those reservations exceed parking or number of people allowed, how will this be grandfathered? There needs to be provision made looking at the number of bedrooms, the number of bathrooms, or the number of people per bedroom. There are a number of ways, how do you want to limit occupancy? Or is that something we don’t want to consider, instead consider size or number of bedrooms and bathrooms. When larger owner-occupied dwellings are given site-plan approval we might want to look at the certification document we used on 800 St. Joseph Street. We might want to include that in those approvals. Site plan approval for certain houses, certain areas, over a certain size, have some supplementary language that has been added for reviewing site plans for some of those houses. We need to have a registration to determine where we have a lot of short term rentals. We may look at something where the Planning Commission can be a little more discretionary, that is in the state statute, a special use, or something like that. Or can we build in enough supplementary standards?”

Stimson asked what might follow the site plan process but not be into that “touchy-feely” part. Anderson responded that when looking at the site plan review standards, they are really geared more toward commercial, PUD development and so forth. “We need to look at coming up with something more specific; we have a good start on that in the draft ordinance and can study that some more.”

Anderson also noted that it has been suggested that the fine for not registering a rental property should be increased from the proposed \$750 to perhaps double that. “The city will have an ample registration period but that is something the sub-committee will consider when we get into discussion of this.”

Anderson would like to see these standards (Good Neighbor/Owner Agreements) applied so everyone is on the same page, rental owners, renters, neighbors.

The seven-day rental was something that came up with the Personal Residence Exemption (PRE) requirement. “You would be allowed to rent a house for fifteen (15) days or so, and still hold on to your PRE; it might be a good thing to register those types of rentals and keep them in a separate category.

Anderson stated that the sub-committee has something to start with; asked the public to keep sending in your emails, comments, things you would like to see. The more we see patterns it helps us with this.

Paull said there has plainly been quite a bit of work and there is quite a bit to be done.

Heinig noted that single family residences are permitted in the B-3 Waterfront Business zone; that needs to be identified as an area to allow larger size rental houses.

Webb pointed out that the zoning on the first single family residence in the B-3 has been rezoned to R-1. Anderson noted the B-3 zone does allow for single family homes with a special use permit and a lot may not be split to create a lot for a single family home. “We do allow them on an existing lot with a special use permit.”

Webb noted that the one that was recently built, the zoning was changed to R-1 so the zoning is no longer B-3. Anderson agreed that Webb is correct. Webb asked whether that applies here. Heinig responded that the city is not going to rezone every lot in the B-3 that wants to be used for a rental.

Heinig said several emails suggested that the thirty (30) day limit should be changed to twenty-eight (28) due to February; that needs to be looked at. Smith said normally a month-to-month tenancy is a thirty (30) day tenancy. Heinig suggested using the term “monthly rental” instead of calling it thirty (30) days to which Smith responded that it could say twenty-eight (28) days.

Gruber referenced the regulations on short term rentals do not apply to R-2 which Paull noted is something worth discussing.

Gruber asked for clarification regarding the four thousand (4,000) square feet or five (5) bedrooms or bathrooms. “Don’t we need another ‘or’ in there?” Stimson noted that the occupancy would be separate; that wouldn’t be what we look at for a site plan or a special

use, would it? Smith said, "The 'or' is just taking three (3) items and saying any one of them would trigger it, but if you want another 'or' in there, we can do that."

Stimson commented that she appreciates all the work that has gone into this, particularly by Terry (Webb) who did the documents for the renters and for the tenants. Paull noted that we are not done; there are things that need to be discussed. Anderson noted the meetings are on Wednesday at 10:00 a.m. so we have a little more time without running into peoples' lunch hour. Paull said these are public meetings; anyone is invited to come, although it is not for public participation. This is for us to do our job, freely discuss, wrangle with and deal with these issues, so we can come up with some good legislation. There was an effort a month or so ago, to try to have public input, and I fought against that, and we do have a legal interpretation, and we can go back to running a sub-committee meeting as a subcommittee meeting.

Anderson noted that at next month's Planning Commission meeting we will be back to talk about the progress we have made. Once the whole Planning Commission is satisfied with the draft, we will start public hearings. The proposed draft will then pass on to City Council, who will also have public hearings.

Gruber said we did a great job; we had a lot of really good help. When I initially looked at it we had four (4) different proposals. Commented that we need to be looking at prohibiting below-grade bedrooms, and some other issues.

Paull permitted some public comment.

Dorothy Appleyard, 806 Wilson Street. Stated that a really important issue is that the public had a lot of input into the existing Master Plan; there were very important values that were reiterated over and over again. "If I heard you correctly, there will not be time for public participation at the worksessions," to which Paull responded that there will be opportunity to do so.

John Lorsdorfer, 712 Maple. Consider redefining short term as less than thirty (30) days but no less than six (6) days. Give notice to people so they can make changes. Limit occupancy to ten (10) in a square foot area. Regarding allowing a non-conforming use, "Don't do that, nothing will have changed at all. That's the beauty to a stand-alone ordinance so there is no grandfathering." In definitions in the draft it appears that a PRE does not register as a short-term rental. Are PRE people exempt from registration? Gruber said it was rethought after the document was written; would like to see the packets include the PRE law so they understand at what point they lose their PRE.

Frank Ray, 223 Oak Street. Three (3) years ago he and his wife purchased their home with intention of retiring here. "We rented it, didn't make a profit and retired in August to become full-time residents. One reason we moved here is tourism is a trade and we could start a business. We own a piece of property; we call it an investment. If you decide that when I sell my home it cannot be a rental property, then if I have to sell my house soon, I'm going to lose my investment. I didn't move here with the intent of living here for the rest of my life, now I'm concerned. I hope you consider not having homes sold taking them off the market being rental properties for summer or short-term rentals."

Paull noted we are considering a rental ordinance, not a rental ban. We are not trying to do away with the industry. We are very aware that the rental industry in this community is

vital and must be properly regulated. Paull noted he also lives in a neighborhood which is surrounded by summer rentals; wants to deal with times when living by a summer rental is a mess. Although he can count on his hands the times when it has really been a problem, he wants to make this a properly regulated industry in this tourist community.

8. Commissioner Comments

Peterson: None.

Fries: This was my first time here. Thank you.

Heinig: We have given you a proper welcome.

Stimson: When I moved here I knew it was a summer community that had tourists and that for six (6) weeks of my life it was going to be a summer rental community. Everyone needs to consider that South Haven is a tourist town; during those six (6) to eight (8) weeks in the summer remember that you decided to live here and you'll have to live with it too.

Webb: None.

Mills: Appreciates the emails being forwarded. It makes our jobs easier when we know what the community is thinking

Gruber: Appreciates, too, the emails, texts, phone calls, and so forth.

8. Adjourn

Motion by Gruber, second by Stimson to adjourn at 8:32 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary

Harbor Commission

Regular Meeting Minutes

Tuesday, January 19, 2016, 5:30 p.m.
Council Chambers, South Haven City Hall



City of South Haven

Please note that the meeting will be held in South Haven City Hall, Council Chambers.

1. Call to Order

Present: Greg Sullivan, Cathy Pyle, Steve Schlack, Tim Stegeman, Mary Stephens
Absent: Tim Reineck

2. Approval of Agenda

Motion by Stegeman, second by Schlack to approve the January 19, 2106 regular meeting agenda as presented.

All in favor. Motion carried.

3. Approval of Minutes: November 17, 2015 Regular Meeting

Motion by Stegeman, second by Sullivan to approve the November 17, 2016 regular meeting minutes as written.

All in favor. Motion carried.

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

There were none.

5. Selection of Chairperson

Motion by Sullivan to nominate Stephens for the position of chair. Second by Pyle.

Acceptance by Stephens contingent on the vote.

All in favor. Motion carried.

Motion by Pyle, second by Schlack for Stegeman for vice-chair.

All in favor Motion carried.

6. Financial Report

Acting Harbormaster Kate Hosier reviewed the Financial Report.

Stephens questioned this year's seasonal dock revenue in December since the last five Decembers have some revenue from seasonal dock revenue.

Hosier said we may have received seasonal deposits in November and none in December. Hosier said there are several docks open at Black River Park. Hosier will look into the December number for seasonal dock revenue.

7. 2016 Meeting Dates Resolution

Hosier found no holidays in conflict with the usual third Tuesday of the month and asked if commissioners were aware of any conflicts with their schedules.

Motion by Stegeman, second by Schlack to adopt Resolution #2016-01, a resolution setting the 2016 meeting dates for the Harbor Commission.

All in favor. Motion carried.

8. Kal-Haven Marina

Hosier explained she has added an attorney's review and a map which the GIS Tech drew up showing the harbor lines since the original agenda packet was compiled, noting that the developer, David Nixon, does have a Department of Environmental Quality (DEQ) permit which factors in.

Stegeman suggested reviewing the site plan submittal requirements.

Item 1A. Stephens asked for the width of the river. Schlack said on the width of the river is included on the dock plans provided. Schlack questioned whether we need to vote on the items as to whether they were provided. Stegeman explained that consensus of the commissioners would suffice.

Commissioners agreed that the width of river was provided as was 1B. A cross-section of the river bottom.

1C. Harbor lines. Hosier explained that the GIS tech noted that there will be distortions, the docks shown over the harbor lines are within an acceptable margin of error. Sullivan asked if it is reasonable to assume the two red lines are ninety feet apart, noting he was looking at the last slip on each end. Hosier repeated that the GIS Tech did say that the docks are within the margin of error.

Stephens wondered if we should ask for an updated image because the Harbor Commission is tasked with verifying the harbor lines. Schlack reminded that we are determining whether the harbor lines are provided in this application or not. Stephens

said the submittal requirement is the location of the Harbor lines and the image provided makes it impossible to verify the location of the harbor lines.

Hosier said the margin of error comes in with two maps overlaid, and the grainy 1989 map might not be able to be made any clearer. Stegeman said what is shown is within reason; that if docks are built beyond the harbor lines they would have to be demolished. Schlack said there was a survey and questioned whether the survey actually shows that there is ninety feet between docks on the other side of the river and the docks that are being proposed. Hosier wondered if when the DEQ did the permit they did harbor lines. Zoning Administrator Linda Anderson said on page twenty-six (26) the DEQ does show the harbor lines and the width of the river between the docks. Schlack said the purpose of the ninety feet is to have ninety feet of navigable waterway between the docks to which Hosier responded that is correct.

Hosier suggested the commission review the enlarged version of the site plan; Anderson also brought up the site plans which the applicant brought with him both of which indicated the harbor lines and the ninety feet. The commission agreed that the harbor lines were provided.

1D. Stegeman said the project property lines are indicated on the survey; the commissioners agreed.

1E. Length, width, location and type of construction of existing docks, piers, slips and seawalls is provided as is 1F per consensus of the commissioners.

1F. Length, width, location and type of construction of the proposed development and 1G. Current development of the site on the opposing sides of the Black River. Stegeman believes that both are provided and all were in agreement.

2A. Schlack noted that the soundings varied about three (3) to four (4) feet. The commissioners agreed the soundings are provided.

2B. Dredge spoils. Sullivan asked if any dredging is proposed to be done. Nixon stated there is no dredging proposed or riprap to be placed on the site. Nixon explained, "There are oak tag elders and we have three (3) of the largest in the State of Michigan; they only grow in clay, they are rare, the birds migrating in the south, warblers and finches, congregate in them. That's why we moved the head dock away from the shore so we could leave all the trees where they are, provide shade and habitat and leave the shoreline intact; it's been like that for a thousand years or so. Some of the docks look excessively long, because we moved the head dock back."

Sullivan questioned Nixon saying there would not be any riprap. Nixon said that was removed from the application, on the extreme western end of the property, when it was decided it would not be needed. That was removed from the DEQ application per Nixon and the DEQ said there will not be any fill, according to Hosier. Nixon noted that if the commission approved the site plan, they could make that a contingency of the approval.

The commission agreed that the application and site plan are complete, except for the dredging and riprap, with the applicant stating no dredging or riprap will occur.

Findings:

#1. Stephens noted that the proposed project does not extend beyond the city harbor lines. Schlack commented on the plans, that the plans are complete but they are kind of confusing to me, with the access and he has some questions on the plan.

#2. The commission does not believe there was any impediment to safe navigation.

#3. Adverse affect. Schlack said that's tough with the previous talk of the easement and parking. "It could have some effect on other properties but doesn't know if it would be an adverse effect." On the drawings Schlack sees where there is a parking area on the north side (a parking circle) and an easement access to that. The history of that property with the Zoning Board of Appeals, and the process it has been through, makes it hard to know how someone could be prevented from using that street. Stegemen asked if it is a private drive; Hosier believes it is. Stegeman said there is something in the legal part from our city attorney about the easement.

Attorney Nicholas Curcio reviewed the history of the subject property, which has an extended history starting in 2012 with the ZBA when the developer applied for a zoning interpretation. There is no commercial access allowed to any property in the B-3 zone over a private road. The ZBA determined that any use that would require vehicular traffic on that private road. Then Nixon came back and requested a variance, without any specific commercial use. That had some bearing on the ZBA's decision because they couldn't tell without knowing the use. That decision was taken to circuit court and the court upheld the decision of the ZBA. There can be no commercial traffic, even construction vehicles for the purpose of constructing a commercial site, across a private road. That comes into play when we look at parking for the site; the parking plan and memo details some parking over the Kal-Haven Trail.

The Zoning Administrator has reviewed the Zoning Ordinance and determined that the parking proposed does not comply with the Zoning Ordinance. The first issue is the zoning allowing the property owner to provide parking less than three hundred (300) feet away. A separate requirement states that when there are multiple uses, each use has their own separate parking requirement; you cannot double-count unless the two uses have different business hours. Our understanding is that there will be overlapping business hours with campgrounds being a twenty-four (24/7) use. Practical issues of going over the Kal-Haven Trail include not being able to take vehicles and boats across the Kal-Haven Trail. It would be difficult to police the use of the private road by boaters accessing the marina.

Sullivan said this went to the ZBA first and asked if Curcio is saying that the ZBA had some issues with the parking arrangement. Curcio said all the ZBA decided is that the developer cannot have commercial access to the site across the private road. Stephens said the new arrangement for the parking did not come before the ZBA. Sullivan asked whether the current request would have to go before zoning before it comes to the Harbor Commission. Curcio explained that there is no requirement for this application to go before the ZBA.

Anderson said we are not allowing any commercial vehicles to use that; all construction will be done from the water. From the campground there is no vehicle access to the docks, the turnaround you see is actually for emergency vehicles only. There can be no

parking there; no access to the river there. All access has to come from the campground or the water.

Stegeman feels that is kind of an unimproved road and Schlack said he tried to drive down there but it wasn't plowed all the way so he was unable to get very near to the subject property.

Stephens asked about the adverse effect to the property owners stating that it seems like there are some concerns there. If we consider the Kal-Haven Trail adjacent property and we consider misuse of the Kal Haven Trail, Stephens does not know how we can address the double-counting of parking spaces. Schlack said he doesn't see a problem with walking across the trail with a kayak or canoe. Many people use our boat ramp to launch their boat and have someone else bring their vehicle and trailer back. Schlack said he can see if he had a boat and trailer he might use the Black River Road rather than walking all the way to the campground. He has a problem with that.

Pyle asked about all the tents that are down around the river and how they will have access. "Will slips be offered to them?" to which Nixon said no. Pyle asked how the tents access the area and Nixon responded that there is a driveway off Blue Star Highway. Schlack asked if parking could be added there but Nixon said he is not sure as they have to leave some open space. Nixon said on the concern about someone using Black River Street, to pick someone up or turn around, "That wouldn't be allowed, that would be against the ordinance, and the neighbors would start complaining. We have tried to be sure the neighbors aren't disturbed. The DNR permit allows for the deposition of more crushed concrete." Schlack commented on the construction being done from the river. Nixon said he asked the DNR specifically and the fire and police department; he knew this would come up. They agreed it would be adequate; we do plan to improve that circle but not let anyone else use it.

Anderson responded to Schlack's question that site plan review would be done by fire and other departments. Anderson explained you need to just include those concerns in your motion.

Stegeman commented that regarding adverse effect on neighbor's access to their property, he does not see any problem with the improvements being proposed. Schlack said he would say there is no adverse effect. Stegeman said with the information given you would have to say no.

#4. Adverse effect on the adjacent property owner's ability to develop their property. The commission was in agreement that the proposed project would not have an adverse effect.

Comments.

Schlack: Questioned the extra space between slips fourteen (14) and fifteen (15). Nixon said that was his idea for the ducks that use the property for nesting; he wanted to leave an open area for the ducks to go back and forth. "We could have put another slip there but we wanted the ducks to use that area where the stream comes out. Nixon said there are two tile pilings on either side."

Schlack asked about dinghies in that area and more parking needed to which Nixon responded, "Heavens, no. If the city is not going to allow double-use parking the plan does not meet the parking requirements."

Stegeman asked about the docks being referred to as dinghy docks on the plans; he is curious why forty (40) foot long docks are referred to as dinghy docks. Nixon is not aware of any plan to call them dinghy docks but clarified that the docks are really only thirty (30) or thirty-two (32) feet from the shoreline. "It's to get past that grove of tag elders we want to leave along the river."

Stegeman: Addressed Harbor Commission concerns of the harbor lines. Noted that what is proposed is adequate for safe navigation. Emergency vehicle accidents in case of fire would be his second concern. The third one, from what I've seen, and this is something Zoning and Planning will have to consider; there is not enough parking for what all is being proposed.

Pyle's main concern was the parking, noting her concern was sort of addressed with the tent parking, that they go down that driveway, but how much parking is allowed for the tent parking? Do they park next to their tents? Nixon responded that yes, they park by their tents. Pyle further questioned, "Will guests have somewhere to park?" Nixon said there are twenty-two (22) parking spaces along the fence, none of those are required as extra parking. Nixon said he has been told by Parks Depart and Natural Resources that we have unlimited use of the Kal-Haven Trail parking lot; our customers can use it, I don't have anything in writing, but it's quicker to park in that parking lot and walk in. Without the Harbor Commission approval we will not get to that stage.

Sullivan has a question about the parking. Obviously to have multiple use for the parking, it would only be RV tenants that would be able to utilize the parking for twenty (20) of the slips. Right now most of our customers have boats, according to Nixon, and they keep them off-site or launch them at the launch ramp every day. Sullivan asked if these are mostly seasonal to which Nixon responded that the campground is restricted to twenty-one (21) days at this point. Sullivan's concern is there isn't any way to adequately police that the RV owner is going to be the same. Nixon said he thinks the city is pretty good at policing the ordinance; that we do not let our customers violate the ordinance. Nixon stated, "We don't trust you not to do what you say you are going to do and we don't have the ability to enforce that." Nixon said that of the twenty-two (22) parking spaces along the fence, two (2) or three (3) are set aside for employees. Nixon added that the Kal-Haven Trail visitors' parking is open to our customers for parking also. Sullivan said that is not part of this application.

Nixon said if it goes to Planning Commission we might be able to work out something for additional parking, but for right now we plan on only the RV sites using this. Sullivan commented that there is not any way to verify whether the boats are RV owners or seasonal slip renters. Schlack said he feels that if the city Zoning Administrator says that it is not permitted to have multiple use parking, the application is not complete, it doesn't show enough parking.

Pyle questions the Kal-Haven parking use, noting that the trail is busy and you cannot count that as available.

Schlack said his other concern is people parking down there by the tents, maybe with the open space requirement, you cannot provide enough parking.

Nixon asked if the Harbor Commission does not approve the site plan, where do we go next. Anderson said the Harbor Commission neither approves or denies the site plan, they make recommendations and comments; and then the Planning Commission holds their own review. If there is a way you can address the parking issues, you can do that before you go to the Planning Commission. Nixon said this is the first I've heard of the multiple use parking problem. Anderson noted multiple use parking is allowed with a special use permit.

Stegeman said the parking is not what the Harbor Commission gets into, that would be the next group. "We do the boat parking not the car parking."

Stephens said the potential misuse of Black River Road and Kal-Haven Trail are her concerns.

Stephens asked if commissioners want to recommend the site plan. Stegeman said we can recommend the site plan with caveats; parking issues and other things that were mentioned.

Discussion ensued regarding the Harbor Commission review and what they need to send to the Planning Commission. Anderson said there is no recommendation to approve or deny. Hosier said you could make a motion to recommend this site plan and your comments to the Planning Commission.

Motion by Stegeman to forward the site plan to the Planning Commission with the comments. Second by Schlack.

All in favor. Motion carried.

Stegeman asked about the short-term rental ordinance, noting we have a lot of condos along the river that have slips with them. The condos are turning into short-term rentals and then the owners rent the slip seasonally separately. How many parking spaces are needed at those condos? Anderson said two (2) parking spaces for the condos and one and one-half (1.5) for the slips.

9. 2016 Marina Rates Resolution

Hosier reminded that the Harbor Commission has already approved the marina rates and sent them on to City Council. There were some discrepancies between the state reservation system (CAMIS) and two separate reservation fees depending on how you reserve your dock. Those fees are eight (\$8) dollars or ten (\$10) dollars, and then there are also docks in city system with a five (\$5) dollar reservation fee. People move from marina to marina throughout the season. Now we have to adjust for auditing purposes. There is a whole can of worms that brings up for your books. We are asking the Harbor Commission to approve an eight (\$8) dollar reservation fee for the ease of the boater and for staff who have to explain that and for bookkeeping. We are trying to streamline the process and make it easier for the books, staff and the boaters.

Schlack asked if City Council has already approved the rates to which Hosier responded, "Yes, this is the only change."

Motion by Stegemen to recommend to council Harbor Commission Resolution #2, noting that the number will change when it becomes a City Council resolution. Pyle asked if this needs to go to DNR to get approved to which Hosier responded that the rates are not changing. Schlack seconded the motion.

All in favor. Motion carried.

10. Member and Staff Comments

Stegeman: Thanked Anderson and Curcio.

Schlack: Thanked Stephens for accepting the position of chair and looks forward to working with the Harbor Commission.

Stephens: Asked if the Harbor Commission is supposed to have seven positions to which Hosier responded, yes and that she has alerted the mayor and he is actively looking for someone to fill that space.

Hosier thanked the commission for the review noting it was very in depth.

11. Adjourn

Motion by Stegeman, second by Pyle to adjourn at 6:48 p.m.

All in favor. Motion carried.

Respectfully submitted,

Marsha Ransom
Recording Secretary



Agenda Item #6

Liquor License Transfer; 561 Huron Street, Café Julia

Background Information:

The City Council will be asked to consider approval of Resolution 2016-10, a resolution granting local government approval of a liquor license transfer from 561 Huron Street, Café Julia, to 527 Phoenix Street.

The Class C liquor license transfer is requested by Mr. Jay Marcoux, on behalf of his businesses. Marcoux is the owner of both 561 Huron Street and 527 Phoenix Street. As noted in Marcoux's correspondence, he is working to develop a restaurant concept at 527 Phoenix Street, and the liquor license from his other business is desired for the new concept. The correspondence notes that the transfer process, involving the Michigan Liquor Control Commission (MLCC,) is likely to take time and Marcoux asks the City Council to consider action on the local approval.

Staff has reviewed the liquor license transfer request and has expressed no objections and/or concerns. Staff notes that the request is a transfer of an existing Class C liquor license, and does not add an additional license to the city.

Recommendation:

The City Council should consider a motion to approve Resolution 2016-10, a resolution granting local government approval of a liquor license transfer from 561 Huron Street, Café Julia, to 527 Phoenix Street.

Support Material:

Resolution 2016-10
Marcoux Correspondence
MLCC License Transfer Documentation



Local Government Approval
(Authorized by MCL 436.1501)

Instructions for Applicants:

- You must obtain a recommendation from the local legislative body for a new on-premises license application, certain types of license classification transfers, and/or a new banquet facility permit.

Instructions for Local Legislative Body:

- Complete this resolution or provide a resolution, along with certification from the clerk or adopted minutes from the meeting at which this request was considered.

At a _____ meeting of the _____ council/board
(regular or special) (township, city, village)

called to order by _____ on _____ at _____

the following resolution was offered: (date) (time)

Moved by _____ and supported by _____

that the application from Mr. Jay Marcoux

(name of applicant)

for the following license(s): 561 Huron Street South Haven, MI 49090

(list specific licenses requested)

to be located at: 527 Phoenix Street, South Haven, MI 49090

and the following permit, if applied for:

Banquet Facility Permit Address of Banquet Facility: _____

It is the consensus of this body that it _____ this application be considered for
(recommends/does not recommend)

approval by the Michigan Liquor Control Commission.

If disapproved, the reasons for disapproval are _____

Vote

Yeas: _____

Nays: _____

Absent: _____

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the _____ council/board at a _____ meeting held on _____ (township, city, village)
(regular or special) (date)

Print Name of Clerk

Signature of Clerk

Date

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.

Please return this completed form along with any corresponding documents to:

Michigan Liquor Control Commission

Mailing address: P.O. Box 30005, Lansing, MI 48909

Hand deliveries or overnight packages: Constitution Hall - 525 W. Allegan, Lansing, MI 48933

Fax to: 517-763-0059

Kate Hosier

From: Jay Marcoux <jay@phoenixstreetcafe.com>
Sent: Tuesday, February 02, 2016 2:49 PM
To: Brian Dissette
Subject: 527 Phoenix Street

To the members of the city council,

I am requesting approval to transfer my existing Class C liquor license from Café Julia to 527 Phoenix Street. We are working on a restaurant concept that the community will embrace. Due to the length of time required by the state I am asking for council approval ASAP. Once again this is not a new license but one that has been issued and is in current use in downtown South Haven.

Thank you for your consideration.

Jay Marcoux

jay@phoenixstreetcafe.com

www.southhavenrestaurants.org

Restaurant 269-637-3600

Cell 269-214-6991





Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
Constitution Hall – 525 W. Allegan, Lansing, MI 48933
Mailing Address: PO Box 30005, Lansing, MI 48909
Toll Free 866-813-0011 – www.michigan.gov/lcc

License Location Transfer Requirements & General Information

Many types of retail liquor licenses may be transferred within a local governmental unit or between local governmental units within the same county, under certain provisions of the law. A current licensee may apply to transfer a license to a new location or an applicant may request a location transfer in conjunction with a request to transfer ownership of a license.

Retail License Location Transfer Requirements

Off-Premises License Location Transfers

- The location of a Specially Designated Distributor (SDD) license may be transferred within a local unit of government or between local units of government in the same county, unless another SDD licensed business already exists within 2,640 feet (1/2 mile) of the proposed location. Pursuant to administrative rule R 436.1133, the Commission may waive the “Half-Mile Rule” under certain circumstances:
 - If the existing Specially Designated Distributor has purchased less than \$10,000.00 in spirits from the commission during the last full calendar year.
 - If the existing Specially Designated Distributor has a B-hotel or A-hotel license.
 - If the proposed location and the existing Specially Designated Distributor's licensed establishment are separated by a major thoroughfare of not less than 4 lanes of traffic.
 - If the proposed licensed establishment is located in a neighborhood shopping center which does not have an existing Specially Designated Distributor's licensed establishment and if the proposed licensed establishment is located not less than 1,000 feet from any existing Specially Designated Distributor's licensed establishment. The method of measurement shall be as prescribed in section 503 of 1998 PA 58, MCL 436.1503.
 - If an existing Specially Designated Distributor licensee is located within 2,640 feet of 1 or more existing Specially Designated Distributor licensees and requests a transfer of location, which location is within 2,640 feet of the same existing Specially Designated Distributor licensee or licensees, upon a showing of good cause by the licensee who is requesting the transfer of location.

- Resort Specially Designated Distributor licenses issued under MCL 436.1531(5) cannot be transferred to a different location.

On-Premises License Location Transfers

- The location of an on-premises licenses (Class C, Tavern, B-Hotel, or A-Hotel) may be transferred within a local unit of government or between local units of government in the same county. A license to be transferred between governmental units must be in escrow.
 - On-premises resort licenses issued under MCL 436.1531(3) and (4) and on-premises licenses issued under the law for specific locations or purposes may not be transferred from one location to another.
 - On-premises resort licenses issued under MCL 436.1531(2) may be transferred anywhere within the state.
-

How to Apply

All applicants requesting to transfer the location of a retail liquor license must submit the following:

- **Application Form** – [Retail License & Permit Application \(Form LCC-100\)](#)
 - **Inspection Fee** - A \$70.00 nonrefundable inspection fee is required for each license requested in an application. For example, if an applicant has requested to transfer a Class C license that has a Specially Designated Merchant license in conjunction, the inspection fee would be \$140.00.
 - **Property Document** – Applicants must provide documentation that demonstrates they will have control over the property that comprises the proposed licensed premises. Property documents include deeds, land contracts, and lease agreements.
 - A provision to reassign the license in the event of a default on a land contract or termination of a lease agreement may be included, but may only provide for the reassignment subject to Commission approval.
 - If the applicant is a company and its members or stockholders own the real estate as individuals or under another company, a lease agreement is needed.
 - If the applicant is an individual and he or she owns the real estate with a spouse or someone else who will not be named on the license, a lease between the applicant and the owners of the real estate is needed.
-

Licensing Process

The Licensing Division reviews the application and corresponding documents for completeness and verifies the appropriate fees have been received. If additional documents, fees, or corrections to documents are needed, Licensing will notify the applicant. Once all the necessary documents have been received Licensing will submit the request to the Enforcement Division for its investigation.

The Enforcement Division will contact the applicant to schedule an interview with the applicant (and current licensee for license transfers). At this meeting an investigator will

review the purchase agreement, financial documents, property documents, and other items with the applicant. After the interview, the investigator will prepare a report for the Commission regarding the investigation and submit the request back to Licensing for further processing.

Licensing reviews the report from Enforcement and any additional documents received during the interview process. The request is prepared for the Commission to consider and placed on a docket for an upcoming licensing meeting.

The Commission considers the request, including the liquor license operating history of the applicant (if a current or prior licensee), the arrest and conviction record of the applicant, whether the applicant meets the requirements for a license, the applicant's financial information, and the opinions of the local legislative body or police department, if received. The Commission will approve or deny the request based on these factors. Occasionally, the Commission will request more information from the applicant before making a final decision.

After the Commission makes a decision on the request, the file is returned to Licensing for final processing. Approval orders are sent to the applicant requesting any final items before the issuance of the license. Denial orders are sent to the applicant and the applicant may appeal the decision. When all the final items are received by Licensing, the completed request is forwarded to the Renewal Unit for the issuance of the physical license documents.

Churches & Schools

A request to transfer location of an existing license, may be denied if the proposed location is within 500 feet of a church or school. The Commission may waive the church/school provision if the church or school does not file an objection to the proposed license. If the church or school does file an objection, the Commission shall hold a hearing before making a decision on the issuance of the license.

Proof of Financial Responsibility

- Liquor liability coverage of at least \$50,000.00 is required by Michigan law for active operation of a licensed business. Types of acceptable coverage are:
 - liquor liability insurance
 - cash
 - unencumbered securities
 - constant value bond
 - membership in an authorized group self-insurance pool
- For more information, please read the instructions in the [Proof of Financial Responsibility form \(Form LC-95\)](#).



Agenda Item #7

Farmers' Market Management Contract Consideration

Background Information:

The City Council will be asked to consider renewal of the one year agreement with the Greater South Haven Area Chamber of Commerce, for the management and oversight of the city's farmers' market operations.

The agreement seeks to continue the arrangement which places management of the farmers' market, which operates from May 1st through October 31st on Saturdays and Wednesdays (June, July, and August only) at the Huron Street pavilion, into the Chamber of Commerce's staff's control. Under the agreement, the Chamber of Commerce will manage a website, promote the market, take applications, assign vending/parking/staging spaces to the vendors, ensure the market is open for the standard hours of operation, secure payments from vendors, provide customer service to vendors and the public, along with other duties. The agreement seeks to renew the payment terms from the previous year. The agreement provides the Chamber of Commerce with \$15,000 for its services. The agreement further provides that the city shall pay the Chamber of Commerce 50% of any vendor license fees in excess of a total of \$15,000 for the 2016 Farmers' Market season. Finally, the agreement provides an allowance of up to \$1,500 in total marketing and promotion expenses. For the 2015 season, the city observed total cash flow of \$39,835 at the Farmers' Market, and was able to fund the market management agreement through market revenue.

For the past several months, the city's staff has been in negotiations with the Chamber of Commerce, with the intent of having the chamber's staff continue the management of the farmers' market. The Chamber of Commerce has added a full-time staff member, so the additional market duties could be absorbed by this staff member. This agreement allows for farm market customer service throughout the calendar year. Staff has found that similar management agreements are used for public farmers' markets in Midland, Petoskey, Sparta, Brighton, Howell, and Grand Haven.

Recommendation:

The City Council should consider a motion to approve a one year agreement with the Greater South Haven Area Chamber of Commerce, for the management and oversight of the city's farmers' market operations.

Support Material:

DRAFT Farmers' Market Management Agreement

FARMERS' MARKET MANAGER CONTRACT

This South Haven Farmers' Market Manager Contract is made as of _____, 2016, between the City of South Haven, a Michigan municipal corporation, the principal business address of which is 539 Phoenix Street, South Haven, MI 49090 (the "City"), and the Greater South Haven Area Chamber of Commerce, a Michigan non-profit corporation, (the "Chamber"), 606 Phillips Street, South Haven, MI 49090.

RECITALS

- A. The City seeks oversight and management of the Farmers' Market conducted from 8 a.m. to 2 p.m. on Saturdays in 2016 from May 1 through October 31 and on Wednesdays in 2016 during June, July and August in a covered area in the Huron Street parking lot behind the Post Office (546 Phoenix Street) in City's downtown (the "Farmers' Market").
- B. The Chamber will manage a website for the Farmers' Market (www.southhavenfarmmarket.com) and will otherwise be an active promoter of the Farmers' Market.

TERMS AND CONDITIONS

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

- 1. Engagement. The City engages the Chamber as its manager for the Farmers' Market to perform the duties and to have the responsibilities provided in this Contract for 2016.
- 2. Duties and Responsibilities. The Chamber shall generally manage and promote the Farmers' Market in accordance with the City's past practices and policies for its operation with any changes in those practices and policies that the City Manager may approve on behalf of the City and in accordance with applicable laws, rules, regulations, and ordinances. Without limiting the general requirement in the preceding sentence, the Chamber shall have the following duties and responsibilities:
 - A. Take applications from those persons and entities who wish to sell goods and/or services in an allocated space at the Farmers' Market, approve applications for, assign vending, staging and parking spaces to vendors, and enter into vendor license agreements for use of Farmers' Market spaces, in accordance with policies and procedures generally agreed upon with the City Manager.
 - B. Ensure that the Farmers' Market is open during the hours and on the days indicated in **Recital A** of this Contract, facilitate pre-opening access by vendors to enable a timely opening on each day of operation, and facilitate the prompt vacation and clean-up of the premises after closing on each day of operation. Such activities will involve coordination with vendors and may involve coordination with City personnel. The Chamber will communicate with the City Manager or City personnel designated by the City Manager to provide that coordination.
 - C. Promote the Farmers' Market to potential vendors and customers in such places and in such manner as is reasonably needed, prudent or advisable. To the extent funds must be expended to do so, prior approval from the City Manager will be required.
 - D. Maintain and update the website not less frequently than needed to ensure the information is accurate and as up-to-date as reasonably possible. If this Contract is terminated, that website shall be turned over to the City as its sole property without any cost to the City.
 - E. Secure payments from vendors at such times, in such amounts and in such manner as is consistent with City policies and practices as they may from time-to-time be changed in consultation and coordination with the City Manager. All payments shall be submitted to the City's Finance Department within two weeks of receipt by the Chamber.
 - F. Regularly advise the City in communications with the City Manager as to the status, success, challenges, and recommended changes in policies regarding the Farmers' Market.
 - G. Immediately address any crime, vandalism, accident, injury, property damage, dispute or other incident involving or affecting the Farmers' Market and promptly report it to the City Manager. Contact any emergency services, law enforcement, or other assistance as needed to address the situation.

Complete such incident reports and coordinate with the City to contact the City's insurance carrier as may be directed by the City Manager.

H. Routinely inspect the Farmers' Market facility and report to the City Manager any maintenance, repair or replacement needs.

I. Assist the City Manager with budgeting related to the Farmers' Market.

J. Be available, or have a designee available, on-site at the Farmer's Market and/or able to be on-site within 15 minutes on each day the Farmer's Market is in operation.

K. Provide the City Manager with contact information including a cell phone number and e-mail address for immediate contacts with Chamber personnel.

L. Engage in other duties or activities as may be agreed upon in consultation with the City Manager.

3. Office and Equipment. The Chamber will provide its own office and all needed equipment and supplies to perform its duties and responsibilities under this Contract. If needed from time-to-time for larger gatherings or to have City staff attend, the Chamber may, with prior scheduling, use rooms in the City Hall for meetings. The City will, upon the request of the Chamber and without cost to the Chamber, print stationery and forms with the City's Farmers' Market logo and contact information for use by the Chamber in the performance of Chamber duties and responsibilities under this Contract.

4. Employees. Chamber officers and employees shall be employees of the Chamber and shall not, for any purposes be or be represented to be employees of the City. The Chamber shall provide all compensation to, all insurance covering, any benefits for, all required withholding from, and any required unemployment and workers disability compensation coverage of the persons performing the Chamber's duties under this Contract. The City shall not provide any such compensation, benefits, coverage or withholding.

5. Compensation. The City shall pay the Chamber \$15,000 for its services under this Contract. Such payments shall be made in two monthly installments. The two installments of \$7,500 shall be paid on the business day closest to the 15th day of March, and June, 2016. The City shall also pay the Chamber 50% of any vendor license fees in excess of a total of \$15,000 for the 2016 Farmers' Market season with such payment to be made not later than November 30, 2016. The City shall also reimburse the Chamber for up to \$1,500.00 in total marketing and promotional related expenses incurred for the Farmers' Market, upon presentation to the City of proof of payment.

6. Risk, Indemnification and Insurance.

A. The City shall obtain and maintain liability and casualty insurance covering the Farmers' Market and the Farmers' Market activities.

B. The City shall insure the Farmers' Market facility for liability and casualty which shall also cover the Chamber and its employees acting in good faith while performing duties and responsibilities under this Contract.

C. The Chamber shall hold the City (including for purposes of this paragraph its officers and employees) harmless from, indemnify it for and defend it against any third-party claim, demand, judgment, award or other loss arising from the Chamber's failure to perform its duties as required by this Contract.

7. Term and Termination. The term of this Agreement shall begin on the date first written above and end on October 31, 2016. It may be terminated earlier upon the agreement of the parties. The City may immediately upon notice to the Chamber terminate this Contract if:

A. The Chamber breaches this Contract and either fails to correct such breach within 7 days after the City notifies it of such breach, or

B. The Chamber commits repeated breaches or its breaches are numerous, substantial and, in the City's sole determination, uncorrectable.

8. Miscellaneous.

A. This is the entire agreement between the parties as to its subject matter. This Contract may not be modified except in writing signed by the parties (in the case of the City, such modification shall require City Council approval). Its interpretation shall not be affected by any course of dealing. The captions are for convenience and form no part of this Contract, but the recitals are an integral part of this Contract.

B. Neither party may assign this Contract or its rights, duties or obligations under this Contract without the other party's prior written approval.

C. To the extent permitted by law, jurisdiction and venue pertaining to any action arising from or pursuant to this Agreement shall be with the state courts in Van Buren County, Michigan and the prevailing party in any such action shall be entitled to recover its actual costs, including, without limitation, its filing fees, expert fees, discovery costs, actual reasonable attorneys' fees and other legal expenses incurred to investigate, bring, maintain or defend in such action from its first accrual or first notice thereof through any and all appellate and collections proceedings.

D. Any notice shall be in writing to the addresses first given above or such other address as indicated by notice and shall be by personal delivery or by postage prepaid United States first-class mail. It shall be deemed completed when actually received or, if by mail, 3 business days after mailing.

The parties have signed this Agreement as of the date first above written.

CITY OF SOUTH HAVEN

GREATER SOUTH HAVEN AREA CHAMBER OF
COMMERCE

By: _____
Robert Burr, Mayor

By: _____
Kathy L. Wagaman, Executive Director

And: _____
Amanda Morgan, City Clerk

Date signed: _____, 2016

Date signed: _____, 2016

RECITAL A
Farmers' Market Dates 2016

Wednesdays (June/July/August)
June 1
June 8
June 15
June 22
June 29
July 6
July 13
July 20
July 27
August 3
August 10
August 17
August 24
August 31

Saturdays (May 1 st – October 31 st)
May 7
May 14
May 21
May 28
June 4 – Festival of Cars
June 11
June 18
June 25
July 2
July 9
July 16
July 23
July 30
August 6
August 13 – Blueberry Festival
August 20
August 27
September 3
September 10
September 17
September 24
October 1
October 8
October 15
October 22
October 29



Agenda Item #8

Agreement Updates and Special Events Consideration; Liberty Hyde Bailey Museum

Background Information:

The City Council will be asked to consider the approval of updated operating agreement and alcohol service policy with the Liberty Hyde Bailey Museum (LHBM), located at 903 South Bailey. The agreement and policy will allow the LHBM to continue their operations and will also allow special events at the facility which may feature alcohol service. Additionally, the Council will be asked to consider approval of the 2016 special events at LHBM, which may feature alcohol service.

At the January 5, 2015 regular meeting of the City Council, the Council approved final action on a code amendment that repealed Chapter 58, Article II, Division 3 of the city's Code of Ordinances. When the amendment was approved, the LHBM was able to consolidate the governance of the museum.

Prior to approval, the city's staff and attorney actively worked with representatives from LHBM. During that time, it was noted that LHBM had two governing bodies. The LHBM was a public board which was created by ordinance that consisted of up to seven members appointed by the City Council. The LHBM also had a Memorial Fund, which was a private non-profit corporation. The non-profit was created for the purpose of promoting and improving the museum. Many of the LHBM board members were active in the non-profit, and the functions of the two bodies overlapped. For many months, staff and the attorney worked with LHBM to determine the most prudent way to address the museum's management structure. Staff recommended this approach, as it allowed for continued local control, but provides LHBM with greater flexibility (e.g., this approach allows LHBM to recruit members from the city and from outside of the city and adopt new bylaws which allow for greater fundraising opportunities.)

The ordinance amendment struck Chapter 58, Article II, Division 3 of the city's Code of Ordinances, which was the portion of the code that established the LHBM Board. The ordinance amendment allowed the city to establish a new governing structure at the LHBM, through an operating agreement with the LHBM non-profit.

For tonight's meeting, the Council is asked to consider renewal of the LHBM operating agreement. The LHBM Board is requesting the Council consider extending the agreement from a one-year agreement to a five-year agreement.

Please note; the ordinance amendment preserved the LHBM's status as a public park. However, the ordinance amendment made clear that the LHBM's oversight will be provided by the City Council, instead of the city's Parks Commission.

In addition to the LHBM operating agreement, the Council will be asked to consider renewal of the alcohol service policy. During the 2015 calendar year, the Council approved an alcohol service policy for LHBM, which allowed the facility to host events which featured alcohol service. As with the city's other alcohol service agreements, the facility must comply with a variety of regulations (e.g., the facility may not charge for the alcoholic beverages, the facility must request permission to host the events, the services must comply with all regulations from the Michigan Liquor Control Commission, the services must be limited to the confines of the facility area, the facility must provide liability insurance to the city, along with other regulations.)

The purpose of the alcohol service policy is to ensure the city and LHBM comply with the city's Code of Ordinances, section 54-105(a), which provides that no person shall consume or possess alcoholic beverages in a public place within the city, unless specifically permitted by resolution of the Council. The LHBM has provided an annual listing of planned events which include alcohol service. The Council will need to adopt an updated alcohol service agreement. Further, the Council will need to consider approval of the LHBM's listing of planned events which include alcohol service (please note, LHBM is requesting an increase in events from six events to ten events.)

Recommendation:

The City Council will be asked to consider the following approvals:

- City Council will be asked to consider a motion to approve the five year operating agreement and alcohol service policy with Liberty Hyde Bailey Museum, 903 South Bailey, to be effective from 2016 calendar year through 2021 calendar year.
- City Council will be asked to consider a motion to approve the annual alcohol service special events listing from Liberty Hyde Bailey Museum for the 2016 calendar year.

Support Material:

DRAFT LHBM Five Year Operating Agreement & Alcohol Service Policy
LHBM 2016 Special Events Listing
LHBM Correspondence

MUSEUM OPERATING AGREEMENT

This Museum Operating Agreement (the "Agreement") is made as of _____, 2016, between the City of South Haven, a Michigan municipal corporation, of 539 Phoenix Street, South Haven, MI 49090 (the "City"), and the Liberty Hyde Bailey Museum Memorial Fund, Inc., a Michigan nonprofit corporation, or 903 South Bailey Street, South Haven, MI 49090 (the "Foundation").

RECITALS

- A. The City owns a public park on land described and depicted on the attached **Exhibit A**, which houses a museum devoted to the life and work of horticulturalist-philosopher Liberty Hyde Bailey (the "Museum").
- B. In 1938, the City adopted an ordinance establishing the Liberty Hyde Bailey Park board (the "LHBP Board") to operate the Museum subject to the direction and control of the City Council.
- C. The Foundation and its predecessor organizations have assisted the Museum since the 1950s by raising funds, acquiring museum exhibits, and performing various management functions.
- D. Over the years, the functions performed by the Foundation and the LHBP Board have overlapped, resulting in inefficiency and a lack of clarity.
- E. The parties now wish to simplify the operational structure of the Museum in accordance with the terms this Agreement.
- F. The goal of this Agreement is to create a collaborative relationship between the City and the Foundation, whereby the Foundation operates the Museum with the oversight of the City Council and assistance from City employees for a period of five (5) years.

TERMS AND CONDITIONS

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

Article I
Restructuring

- 1. **LHBP Board Abolished.** The parties acknowledge that, in conjunction with authorizing this Agreement, the City Council adopted an ordinance abolishing the LHBP Board. The Museum remains a City park under the ultimate control of the City Council.
- 2. **Foundation Bylaws.** The Foundation's board of trustees (the "Foundation Board") shall adopt the following provisions in its bylaws, and shall retain these provisions throughout the term of this Agreement:
 - a. The Corporation is subject to the Open Meetings Act, 1976 PA 267, as amended, MCL 15.261 *et seq.*, and Freedom of Information Act, 1976 PA 442, as amended, MCL 15.231 *et seq.*, and shall conduct all meetings and business accordingly.
 - b. The number of trustees shall be established by the Board of Trustees from time to time, provided that the number of Trustees shall not be more than nine (9).
 - c. Three (3) trustees shall be appointed by the South Haven City Council, which shall have sole discretion to set the length of the appointed Trustees' service terms.
 - d. The Corporation shall not purchase, lease, sell, grant an interest in, or license real property without the prior written consent of the City Council.

Article II
Foundation Rights and Responsibilities

- 1. **License.** The City grants the Foundation a license to use the Premises subject to the following conditions:
 - a. The Foundation shall use the Premises for purposes of operating the Museum and for no other purpose.
 - b. This license is granted on an "AS IS" basis. The City makes no representations or warranties about the condition of the Premises or its fitness for any purpose or use.

- c. Except as otherwise provided in this Agreement, no changes may be made to the Premises. At the expiration of this Agreement, or any renewal thereof, the Licensee shall vacate the Premises in the condition it was in prior to the effective date of this Agreement, save normal wear and tear.
 - d. The Foundation shall pay the City a license fee of one dollar per year.
2. Museum Operation. The Foundation shall operate the Museum in a collaborative effort with the Museum Director, who will be a City employee described in Article IV of this Agreement. The Foundation shall perform operational duties including, by way of example:
- a. Developing and implementing Museum management policies including:
 - i. Museum operating hours;
 - ii. Public admission fees; and
 - iii. Standards and procedures for renting the Museum facilities to third parties for special events in a manner that does not materially interfere with general public use of the facilities;
 - b. Developing and implementing a strategic plan for the future of the Museum, which may include seeking grants to improve Museum facilities and collections;
 - c. Developing and advertising Museum programs such as tours and educational events;
 - d. Acquiring and providing for the maintenance of Museum exhibits;
 - e. Conducting fund raising activities such as hosting special events;
 - f. Overseeing the operation of the Museum gift shop;
 - g. Making written recommendations to the City Council regarding maintenance, improvements, events with alcohol service, and staffing; and
 - h. Appearing, or sending a representative to appear, before the City Council upon request;
 - i. Maintaining records relating to the operation of the Museum; and
 - j. Complying with obligations in this Agreement.
3. Operation Costs. Except as otherwise provided in Article III, the Foundation shall pay the costs of operating the Museum.

Article III
City Rights and Responsibilities

1. Duty to Provide a Museum Director. The City shall provide a City employee to serve as the Director of the Museum. The Director position is defined in Article IV of this Agreement.
2. Routine Maintenance & Basic Utilities. City personnel shall perform routine maintenance and provide basic utilities at no cost to the Foundation. The City's responsibilities with respect to routine maintenance and basic utilities shall consist only of the following:
- a. Maintaining the lawn and walking trails around the Museum, including the cost of labor, water, and ordinary repair to irrigation systems;
 - b. Periodically trimming trees and shrubs;
 - c. Clearing snow from main access points;
 - d. Providing natural gas, electricity, water, sewer, *security system maintenance*, and trash collection services to the Museum; and
 - e. Other services that the City may agree in writing to provide as routine maintenance services.
3. Non-Routine Maintenance. The City may perform other, non-routine maintenance upon request of the Foundation, if the City determines in its sole discretion that such maintenance is necessary or practical. Non-routine maintenance includes any maintenance activity not specifically listed in Subsection

2, including painting and repairing Museum structures and equipment. The Foundation shall pay the first \$250 of any requested non-routine maintenance activity, and the City shall pay any remaining amount.

4. Improvements. The parties may from time to time agree in writing to construct or install improvements at the Museum site. Any agreement shall address cost allocations and any increased maintenance costs.

5. City Council Authority. The City Council retains full authority to adopt ordinances, policies, and procedures regarding the use and operation of the Museum.

Article IV Employees, Interns, and Volunteers

1. Employees Generally. The City shall have exclusive control over any City employee working at the Museum, and shall have sole authority to hire and fire such employees. City employees do not report to the Foundation, but may be called upon to assist the Foundation from time to time. Any employment opportunities arising at the Museum shall be posted on the City's website and filled by the City's human resources department, which may seek input from the Foundation as appropriate. The Foundation shall not in any event make payments to a City employee or otherwise entice a City employee to work more than the hours for which he or she is paid by the City. However, the Foundation and the City may from time to time agree in writing to share the cost of hiring or extending the hours of a City employee to fill a need at the Museum. The details of any such cost sharing arrangement shall be detailed in the written agreement.

2. Director Position. *As noted in Article III above, the City shall provide a City employee to serve as Director of the Museum. The Director shall work no fewer than 1100 total hours between July and June. The Director shall assist the Foundation in operating the Museum in a collaborative effort by performing duties including, by way of example:*

The Director shall work 28 hours per week for a period of 50 weeks.

- a. Opening and closing the Museum in accordance with the scheduled hours;
- b. Curating Museum collections including registration, organization, storage, and preservation of display items;
- c. Acquiring and/or disposing of Museum exhibits, with Foundation approval;
- d. Developing interpretive materials for exhibits and information;
- e. *Curate collections, exhibits and other interpretive materials.*
- f. Supervising and training museum interns, volunteers, and any additional staff that may be hired from time to time;
- g. Writing newsletters and updates for the Museum's website and blog;
- h. Representing the Museum in public relations matters;
- i. Assisting the Foundation in developing policies and programs, and in seeking funding grants; and
- j. Attending City Council meetings and Foundation Board meetings as requested.

3. Interns. All intern opportunities arising at the Museum shall be posted on the City's website and filled by the City's human resources department, which may seek input from the Foundation as appropriate. The Foundation shall assist as needed to develop a description of the educational benefits that the intern will receive, and to comply with any requirements imposed by the intern's educational institution. Interns shall be City volunteers or appointees.

Degree Seeking Interns *College internships that require hours of participation but not pay.*

4. Volunteers. The Foundation shall require all volunteers at the Museum to sign a written waiver acceptable to the City Attorney prior to engaging in volunteer activities.

Article V
Alcohol Service

1. General Prohibition. The parties acknowledge that Section 54-104(a) of the South Haven Code of Ordinances provides that no person shall consume or possess alcoholic beverages in a public place such as the Museum unless specifically permitted by resolution of the City Council.
2. Third-Party Special Events. The Foundation shall comply with the Liberty Hyde Bailey Museum Alcohol Service Policy adopted by the City Council, as may be amended from time to time (the "LHBM Alcohol Policy"), when considering requests from third-parties to serve alcohol at the Museum as part of a special event. The version of the LHBM Alcohol Policy in effect as of the date of the signing of this Agreement is attached as **Exhibit B**.
3. Foundation Events. The Foundation may request permission to serve alcohol at its own events at the Museum by submitting a written description of the proposed events to the City Clerk, who shall forward the request to the City Council. The Foundation shall endeavor to submit a single, all-inclusive request each year, in order to promote efficiency.

Article VI
Insurance and Indemnification

1. Insurance. Both parties obtain and maintain a comprehensive general liability insurance policy covering the Museum with coverage of not less than \$1,000,000 and each shall name the other party as an Additional Insured.
2. Loss Payment (Indemnification). The Foundation agrees to hold the other 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 other party related in any way to the operation of the Museum, unless the loss is caused by or results from the negligent or intentional acts of the City. "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.

Article VII
Miscellaneous

1. Entire Agreement. This is the entire agreement between the parties regarding its subject matter, and all previous agreements are no longer in effect. This Agreement supersedes the Museum Operating Agreement signed by the parties in 2013, in its entirety. 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.
2. Interpretation. The captions in this Agreement are for reference only and shall not affect its interpretation. The recitals are an integral part of the Agreement. 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.
3. Jurisdiction and Venue. 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.

The parties have signed this Agreement as of the date first written above.

CITY OF SOUTH HAVEN

Liberty Hyde Bailey Museum Memorial Fund, Inc.

By: _____
Robert Burr, Mayor

By: _____
Anne Long, Chairperson

By: _____
Amanda Morgan, City Clerk

By: _____
Joan Hiddema, Treasurer

Date Signed: _____, 2016

Date Signed: _____, 2016

DRAFT

EXHIBIT A

PROPERTY DESCRIPTION

Liberty Hyde Bailey Park is legally described as follows:

Commencing at the southwest corner of Section 11, Town 1 south, Range 17 west, thence north on the west section line of Section 11 1097.63 feet to the point of beginning, thence north 88°28'26" east parallel to the south line of the north 1/2 of the southwest 1/4 of the southwest 1/4 of Section 11 430.00 feet, thence north parallel with the west section line of Section 11 311.70 feet, thence south 88°28'26" west 244.00 feet to the west section line of Section 11, thence south along the west section line of Section 11 120 feet to the point of beginning, subject to easements and road rights-of-way of record.

DRAFT

EXHIBIT B

LIBERTY HYDE BAILEY MUSEUM **ALCOHOL SERVICE POLICY**

Purpose. This Policy is intended to regulate the service of alcohol and sale of alcoholic beverages at the Liberty Hyde Bailey Museum by members of the general public. The service and sale of alcohol is incidental to the holding of a special event. Any alcohol service and consumption authorized pursuant to this Policy shall occur only in those places approved by the Liberty Hyde Bailey Memorial Fund, Inc. (the "Foundation"), acting through its board of directors (the "Board"). The Foundation has contracted with the City to manage and operate the Museum.

Application. At least three months before the proposed date of the event, the person or entity wishing to serve alcohol at the Museum as part of a special event (the "Applicant") shall submit a written application to the City Clerk, who shall forward the application to the Board. The Applicant shall also appear in person before the Board if requested. The written application shall include the following:

The name, age, residence and mailing address of the persons making the application. Where the Applicant is a partnership, corporation or other association, this information shall be provided for all partners, officers and directors, or members.

A statement regarding the kind, character, and type of the proposed event. The statement shall specify whether the Applicant intends to charge for alcohol service or to provide drinks free of charge.

The date and hours during which the proposed event is to be conducted.

Board Approval. The Board shall approve no more than ten special events with alcohol service per year. Approval will generally be given on a first-come-first-serve basis, but the Board reserves the right to prioritize events that advance the Museum's mission. The Board shall consider modifying the event limitation annually at the first meeting of each calendar year.

Additional Approvals. When the Board approves an application, it shall forward the application materials to the City Council for consideration. A special event involving alcohol service shall not be held at the Museum unless and until the City Council adopts a resolution approving the event. Moreover, the Applicant shall obtain all necessary approvals and permits from the Michigan Liquor Control Commission and shall obtain approval from the South Haven Police Department pursuant to its "Special Events and Festivals Alcohol Policy."

Loss Payment (Indemnification). Applicants providing alcohol service at the Museum shall hold the City and the Foundation harmless and pay for any loss paid or owed by the City or the Foundation (including its officers, employees, agents, or assigns) as a result of the event. "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.

6. **Insurance.** Applicants are not covered by the City's liability insurance policy. Accordingly, each applicant is solely responsible for obtaining liability coverage. Requirements vary depending on the type of organization/individual and type of event, as described in detail below. All regulations set forth by the State of Michigan Liquor Control Commission must be strictly adhered to at all times. The Applicant must produce proof of insurance at least 10 days prior to the event

Individuals. When an individual hosts an event with free alcohol service and no charge for admission, the individual must produce proof of homeowner's insurance. When an individual hosts an event where alcohol is sold, or when a fee or mandatory donation is charged to attend an event with alcohol service, the individual must produce proof of liquor liability insurance with minimum liability limits of \$500,000 per occurrence and in the aggregate, naming the City and the Foundation as additional insureds.

For-Profit or Non-Profit Entities. When a for-profit or non-profit entity hosts an event with free alcohol service and no charge for admission, the entity must produce proof of general liability insurance that

includes “host liquor liability” coverage with minimum liability limits of \$1,000,000 per occurrence and in the aggregate, naming the City and the Foundation as additional insureds. When a for-profit or non-profit entity hosts an event where alcohol is sold, or where a fee or mandatory donation is charged to attend an event with alcohol service, the entity must produce proof of liquor liability insurance with minimum liability limits of \$1,000,000 per occurrence and in the aggregate, naming the City and the Foundation as additional insureds.

Catering Firms. When a catering firm serves alcohol at an event, regardless of whether the Applicant or the caterer charges for the alcohol or for admission, the catering firm must produce proof of liquor liability insurance with minimum liability limits of \$1,000,000 per occurrence and in the aggregate, naming the City and the Foundation as additional insureds. This coverage shall be in addition to the Applicant’s coverage, which comply with the requirements in Subsection A or B, as applicable.

DRAFT

2016 Liberty Hyde Bailey Museum Events

This list represents events that will be held at the Liberty Bailey Museum and grounds that will involve the service of alcoholic drinks, beer and wine.

1. Reception and Exhibit Openings: Typically specific groups focused upon targeted even, for example the Spring Botanical Art Show will be an opening night for the artist and her guest as well as members of the museum.
2. Business Membership Use: Events of this nature are related to the South Haven Chamber of Commerce and South Haven Garden Club. The museum is showcased during these events and benefits the museum in the potential in memberships, added interest, and donations.
3. South Haven Garden Club members only preview to the annual Garden Walk. This allows for Garden Club members who work during the event to have a social after touring the featured gardens.
4. Fundraising Event for Members and Donors: Targeted audience for catered dinner with wine and beers offered.
5. Social Events using museum as destination: Outside persons renting the museum facilities will responsible for procuring legal permits.
6. Evening Programming for Member and Volunteer Appreciation

The following dates are scheduled for the 2016 calendar year which would be events planned for alcoholic beverages to be served: beer and wine only:

Friday, May 13, 2016: Opening of Spring Botanical Art Show: Victoria Howard

Thursday, May 19, 2016: ABO, 5:00-7:00 p.m., South Haven Chamber of Commerce and Bailey Museum

Wednesday, June 22, 2016: 7:00 p.m. Monarch Workshop, Ilse Gebhard, Presenter

Friday, June 24, 2016: Opening "Fruits of Our Labors," Historical Exhibit

Friday, July 15, 2016: South Haven Garden Club Executive Committee and Hostess; Garden Walk

Friday, July 21, 2016: "Into the Woods," Social Event hosted by the Bailey Museum

Friday, August 12, 2016: Members and Volunteer Appreciation Picnic

Wednesday, August 24, 2016: Cindy Murphy, "Your Fall Garden"

Kate Hosier

From: Anne Long <annelong60@gmail.com>
Sent: Thursday, January 21, 2016 5:10 PM
To: Brian Dissette
Cc: Michael Fiedorowicz; Joan Hiddema; Todd Robbins; Melanie Gleiss
Subject: Liberty Hyde Bailey Museum Operating Agreement and Alcohol Service Policy
Attachments: Museum Operating Agreement Prposed Changes 2016.docx

Brian,

I have attached the amended version of the Operating Agreement approved by the board at our last meeting, January 20th. I would like to thank you for all of the time and effort you have given us to move the museum forward. We are expecting 2016 to be our best year ever.

At the recent board of trustees meeting it was determined by motion that the board wishes to renew the amended Operating Agreement for a period of five years. The board accepted the motion to extend the Alcohol Service Policy to 7-10 events.

Both of these documents are critical to the functioning of the museum. The Operating Agreement identifies the roles and responsibilities of each body involved with the museum. It has established an ongoing working relationship with the city and gives specific direction to the city and the Liberty Hyde Bailey Museum Memorial Fund Inc., which is the 501 3 (c) that is commonly known as the board of trustees.

The Alcohol Service Policy has allowed the board of trustees increase numbers of visitors to the museum with focused and diversified programming offerings. It is the desire of the board to increase the number of events using this policy to 7-10 events. The original policy limited the use to 6 events.

Thank you for your time and consideration.

Best,
Anne Long, chair of the board



City of South Haven

Department of Public Works

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

MEMORANDUM

To: Brian Dissette, City Manager

From: Michelle Coffey, Special Events Coordinator

Date: February 8, 2016

RE: Special Event 2016-01 - Harborfest

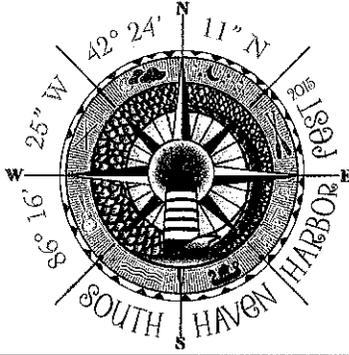
Background Information

Harborfest is scheduled for June 16-19, 2016. This will be the 25th annual celebration of Harborfest. At this event there will be live music, food vendors, craft vendors, dragon boat races, entertainment on stage by marina and more.

The event application seems to mirror last year's application. The "beer garden" will again be on the grassy area as shown on the map included in the application (pending approval of temporary liquor license).

Attachments

Special Event 2016-01 Application and Map
Proof of Insurance



P.O. Box 282
South Haven, MI 49090

January 26, 2016

**HARBORFEST COMMITTEE
2016**

OFFICERS

President-Hank Bosma
V. President-Rick Young
Secretary-Linda Bosma
Treasurer-Carol Young

COMMITTEE MEMEBEERS

Hank Bosma
Linda Bosma
Lee Mealer
Deb Myers
Dan Ohlmann
Lenore Ohlmann
Kelly VanHorn
Ken VanHorn
Tammy Vorva
Carol Young
Rick Young

COMMITTEE CHAIR PERSONS

Site Chairman-Rick Young
PR/Hospitality-Lenore Ohlmann
Stage-Lee Mealer & Dan Ohlmann
T-Shirts-Tammy Vorva
Craft Fair-Carol Young
Children's Activities-Kelly VanHorn
Food Vendors-Ken Van Horn
Dragon boats-Deb Myers
Entertainment-Harborfest Committee
Beer Garden-Hank Bosma Ken
VanHorn, and Dan Ohlmann
Web Manager-Linda Bosma

Scan QR Code



www.southhavenharborfest.com

**RE: AMENDMENT TO SPECIAL EVENT APPLICATION FOR
HARBORFEST 2016; June 16th-June 19th**

TO: South Haven City Council

Following a meeting with the Mayor and a representative of the police, we are amending our original application as follows:

- Page 1
1. Delete all reference} to fireworks celebrating our 25th festival.
 2. Delete request to remove tents from grass on Monday morning rather than Sunday evening.
 3. Include kiddies' rides-an original application oversight.

- Page 3
1. Change times and rules of operation to be identical to the approved applications from the previous two years, deleting any changes celebrating our 25th consecutive Harborfest Festival.
 2. Add Harborfest committee commitment to transport any boat ride customers who request it. City will furnish a sign to that effect that will be placed on or near the Water Street Barricade.

In summary, on behalf of the Harborfest Committee, I have agreed to conduct 2016 Harborfest festival exactly as approved by all the city departments in the past two years.

Sincerely,

Hank Bosma
President, Harborfest Committee

CITY OF SOUTH HAVEN

Special Events & Festivals Application

FOR OFFICE USE ONLY

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.

HS
Initial

1/26/16
Date

CONTACT INFORMATION

Event Title: _____ Harborfest
Sponsoring Organization: _____ Harborfest of South Haven Inc.
Applicants Name: _____ Hank Bosma
Telephone #: _____ (269)767-4225 _____ 767-4225
E-mail Address: _____ tradersunion@hotmail.com

Other contacts for/during event

Name: _____ Rick Young (616)796-4621 _____
Name: _____ Ken VanHorn (269)217-0140 _____

EVENT SPECIFIC INFORMATION

Event Location: _____ Riverfront Park and West to pier _____
Date(s) Requested: _____ June 16 to 19, 2016 _____
Start Time: _____ Noon 6/16 _____ 10pm 6/20 _____

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

Number of people expected to attend: _____

EVENT DESCRIPTION

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

Live music, food vendors, craft vendors, possibly dragon boat races, beer garden, kiddie rides and stage Entertainment. Stage located near marina building, food and vendors all along Water Street. The beer Garden will be located same as last year just west of the stage. (#3 Riverfront Park map attached)

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 _____

Entertainment, dance, tent or stage. Mark locations on maps.

Event Command Post. Mark location on maps.

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

Portable toilet facilities. Mark locations on maps. How many? _____
The City requires the use of portable facilities for events expecting over 500 attendants.

****Huron Street Pavilion requires portable toilet facilities for events expecting over 150 attendants. ****

Under part 117 of Act, 1994 PA 451, Waste servicers must dispose of their waste at a wastewater treatment plant with an approved receiving facility. The South Haven Wastewater Treatment Plant is **NOT** an approved facility.

Approved facility being used _____

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: Wanda Basma Telephone: 269 767-4225

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
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 within 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.

Vendors beginning 10 am daily until closing indicated below.
Stage events daily from 10 am Bands and music only begin after 5pm

DATE; Thursday June 16, 2016	TIME: 5:00 pm to 10:00 pm
DATE: Friday June 17, 2016	TIME: 5:00 pm to 11:00 pm
DATE: Saturday June 18, 2016	TIME: 10:00 am to 11:00 pm
DATE: Sunday June 19, 2016	TIME: noon to 5:00 pm

- 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. ***Due to limited space for banners, they will be placed on a first come first served basis***
- 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: _____

Electricity on Water Street, normal police patrol, barricades on Water Street, Maple Street, St Joseph St, loan of 700 feet portable fencing (double fence around Beer garden)

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:
If yes, explain: _____

Yes No

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

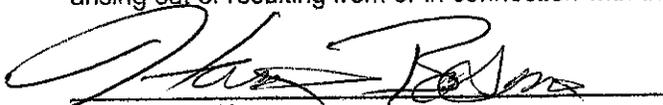
Furnished closer to event time, as in the past

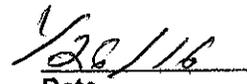
Please make sure the following items are turned in with the Special Events & Festivals Application

- Map(s)
- Proof of Insurance Certification
- Cones and Barricade Request Form (if applicable)
- 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


Date

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.

Place symbols on map where needed and write quantity needed on lines.

△ Cones* : _____

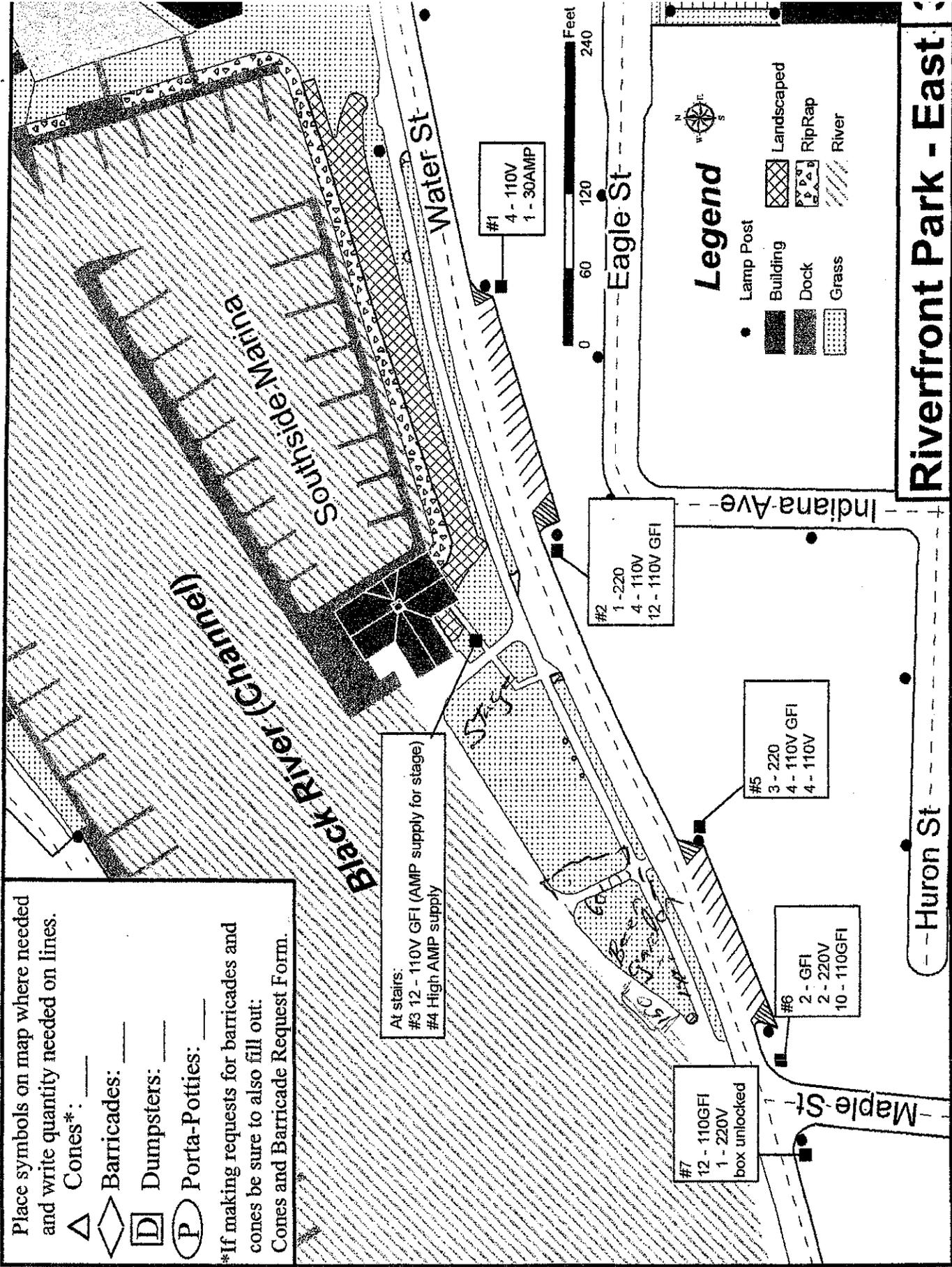
◇ Barricades : _____

D Dumpsters : _____

P Porta-Potties : _____

*If making requests for barricades and cones be sure to also fill out:

Cones and Barricade Request Form.



Riverfront Park - East



City of South Haven

Department of Public Works

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

MEMORANDUM

To: Brian Dissette, City Manager

From: Michelle Coffey, Special Events Coordinator

Date: February 1, 2016

RE: Special Event 2016-03 – North Shore Elementary 5K/Field Day

Background Information

North Shore Elementary is asking to hold their 5K/Field Day once again. This event is to celebrate the end of the school year. The event will take place from 9:30 a.m. to 11:30 a.m. on June 7, 2016 and an alternate date of June 8, 2016. The 5K will follow the regular North Shore 5K route through the city. The students and staff will begin at the school and end at the school, like previous years.

Proof of insurance has been provided.

Attachments

Special Event 2016-03 Application and Map

CITY OF SOUTH HAVEN

Special Events & Festivals Application

FOR OFFICE USE ONLY

Special Event # 2016-03

Date Received 2/1/16

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.

Initial CE

Date 1-27-16

CONTACT INFORMATION

Event Title: North Shore Elementary 5K/Field Day

Sponsoring Organization: North Shore Elementary

Applicants Name: Cory Evink

Telephone #: 637-0560 Ext. 3508 Phone # During Event: 269-650-0401

E-mail Address: cevink@shps.org

Other contacts for/during event

Name: Jenny Puvogel Telephone: 637-0560 Ext. 3513

Name: _____ Telephone: _____

EVENT SPECIFIC INFORMATION

Event Location: 5K Route through the city (map is attached)

Date(s) Requested: 6-7-16 Alternative Date(s): 6-8-15

Start Time: 9:30 am End Time: 11:30 am

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

Number of people expected to attend: 350-400

EVENT DESCRIPTION

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

The 5K will follow the normal North Shore 5K route through the city. The students and staff will walk/run the 5K which starts at the school and ends at the school.

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 5K run will take place on the roads.

Entertainment, dance, tent or stage. Mark locations on maps.

Event Command Post. Mark location on maps.

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

Portable toilet facilities. Mark locations on maps. How many? _____
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

Name: South Haven Health Systems Kim Wise Telephone: 269-639-2803

- 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.

Date: _____ Time: _____
Date: _____ Time: _____
Date: _____ Time: _____

- Signage: Pr or 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: Have arranged with Shawn Olney

Will you require additional fire/ambulance services: Yes No
If yes, explain: Have arranged with Ron Wise

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 Certificaticn
- Cones and Barricade Request Form (if applicable)
- 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

1-27-16

Date

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.



Department of Public Works

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

Cones and Barricades Request Form

Requester's Name Cory Evink
 Date Requested 6-7-16
 Organization/Committee North Shore Elementary
 Mailing Address 7320 North Shore Dr.
South Haven, MI 49090
 Office/Main Phone 269-637-0561
 Cell Phone 269-650-0401

EVENT: North Shore 5K/Field Day DATE of
EVENT: 6-7-16

CONES	Quantity	Who will pick up cones <i>(Please Print Legibly)</i>	Cell Phone	Pick Up Date/Time	Return Date/Time
	25	Shawn Olney			AM PM

Please note: Street cones that are damaged or not returned to the Public Works Department will be charged \$10.00 per cone.

BARRICADES	Quantity	Drop Off Location <i>(Please Print Legibly)</i>	Contact Person	Drop Off Date/Time	Pick Up Date/Time
			Cell Phone		
10	North Shore Elementary			6-7 AM PM	6-7 AM PM

Please note: Barricades that are damaged or not returned to the Public Works Department will be charged \$25.00 per barricade.

Borrower's
Signature: _____

Authorized
by: _____

SPECIAL EVENTS & FESTIVALS INFORMATION PAMPHLET

For use of city parks, beaches, streets, parking lots or other public facilities for events or festivals a City of South Haven Special Events & Festivals Application must be completed and sent to the Parks and Recreation Supervisor, City of South Haven, 1199 8th Ave, South Haven, Michigan, 49090. This form is available at the City Hall and Department of Public Works Customer Service Desks and on the city's website; www.south-haven.com. It is important that the organization complete the form with as much detail as possible regarding specific requests and the event. This pamphlet provides you with information regarding City services, requirements, regulations and policies. A complete copy of city ordinances can also be found on the City's website. Prior to submitting your request, please read this pamphlet thoroughly. This pamphlet was developed to help you organize a successful event in South Haven.

SPECIAL EVENTS & FESTIVALS APPROVAL PROCEDURE

When you submit the Special Events & Festivals Application to the Parks and Recreation Supervisor to sponsor a special event, the form is distributed to the appropriate City departments for their initial review, recommendations and approval. If your event or festival is expecting less than 500 participants, does not require a variance to the Municipal Code, and does not exceed 10:00 P.M. the requests will be submitted to the City Manager for approval. If your event or festival is expected to have 500 or more in attendance, a request has been made for a variance of the Municipal Code, or the event exceeds 10:00 P.M. then the requests will be submitted to the City Council. You will receive a notice from the Parks and Recreation Supervisor notifying you of the approved/denied request.

Completed applications must be turned into the Parks and Recreation Supervisor's office at least 21 business days prior to the start of the event. It is recommended that requests be made at least 90 days in advance (for larger events and festivals that attract over 500 people, it is recommended to submit your requests at least 120 days in advance) to assure proper approval. Any changes or additions to the special event/festival after being approved must be submitted in writing.

CITY OF SOUTH HAVEN POLICIES & REGULATIONS REGARDING SPECIAL EVENTS

The City of South Haven recognizes the importance of special events within the community. These special events are acknowledged as providing additional economic impact to the area's businesses and helping to develop community pride, commitment, and involvement. 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. While the City of South Haven is supportive of these special events, certain guidelines must be enforced to insure that the festival or special event runs as smooth as possible:

- The City may request that dates or times of special events be changed to facilitate coordination of City services. If changes are required, the sponsoring organization will be notified well in advance.
- Whenever possible, organizations will be encouraged to hold special events in City parks rather than on streets to minimize the need for additional Public Safety support to assist with traffic control. When the use of streets is required, every effort will be made to schedule events in such a manner so as to avoid the need for additional Public Safety support.
- Event organizers will be encouraged to use volunteers whenever possible to assist with logistics so as to reduce the need for additional City personnel.
- In some cases, where there are extraordinary costs incurred by the City, or the organization does not clean up the sites used or where severe damage to City property may incur, the organization may be required to reimburse the City for the additional costs that may incur as a result.



City of South Haven

City Hall • 539 Phoenix Street • South Haven, Michigan 49090-1499
Telephone (269) 637-0700 • Fax (269) 637-5319

MEMORANDUM

DATE: February 9, 2016

TO: Brian Dissette, South Haven City Manager

FROM: Connie Phillips-Thompson, South Haven City Deputy Assessor

SUBJECT: Resolution to Appoint Board of Review, Rate of Compensation, and Meeting Schedule for 2016

The Assessor's Office would like to submit the attached resolution appointing the board members, setting the board's compensation, and setting the meeting dates for tax year 2016.

CITY OF SOUTH HAVEN
VAN BUREN AND ALLEGAN COUNTIES, MICHIGAN

RESOLUTION NO. 2016-11

A RESOLUTION APPOINTING A BOARD OF REVIEW
AND ESTABLISHING A RATE OF COMPENSATION
AND A MEETING SCHEDULE FOR TAX YEAR 2016

Minutes of a regular meeting of the City Council of the City of South Haven, Van Buren and Allegan Counties, Michigan, held in the City Hall, 539 Phoenix Street, South Haven, Michigan 49090 on February 15, 2016 at 7:00 p.m. local time.

PRESENT: _____

ABSENT: _____

The following preamble and resolution was offered by Member _____ and supported by Member _____.

WHEREAS, the South Haven City Charter and state property tax law require the appointment and operation of a Board of Review for the purpose of hearing and deciding property tax appeals at a duly appointed time and place annually; and

WHEREAS, the City of South Haven by ordinance requires that appointments, compensation, and meetings of the Board of Review shall be provided for by resolution annually for the current tax year:

WHEREAS, Public Act of 143 of 2006 allows the appointment of not more than two alternate members for the same term as the regular members of the Board of Review, who may be called to perform the duties of a regular member of the board of review as needed,

BE IT THEREFORE RESOLVED, that for tax year 2016 there is hereby established a City of South Haven Board of Review of regular members and an alternate member which shall elect from its own membership a chairperson and an alternate,

BE IT FURTHER RESOLVED, that the following City of South Haven residents are hereby appointed as regular or alternate members to the 2016 City of South Haven Board of Review:

<u>Name</u>	<u>Address</u>
1. Joan Hoyt	922 Hazel Street
2. Eugene Ladewski	325 North Shore Drive
3. Joan Roth	729 South Haven Place
4. Elaine Shumaker	313 Erie Street

BE IT FURTHER RESOLVED, that each member and alternate member of the 2016 Board of Review shall be compensated at a rate of \$100.00 per day for each day the member sits in session for hearing of appeals; and,

BE IT FURTHER RESOLVED, the regular schedule for 2016 Board of Review meetings and appeal hearings, to be conducted at the South Haven City Hall, shall be as follows:

- First Meeting Tuesday, March 8. 3:30 p.m. for board organization and review of assessment roll. (No hearing of appeals)

- Second Meeting Tuesday, March 15. 9:00 a.m. – 12:00 noon and 1:30 p.m. – 4:30 p.m., hearing of appeals.

- Third Meeting Friday, March 18. 3:00 p.m. – 9:00 p.m., hearing of appeals.

- Fourth Meeting Thursday, March 24. 9:00 a.m. – 12:00 noon hearing of final appeals and board finalization of assessment roll.

- Fifth Meeting Thursday, July 21. 10:00 a.m.

- Sixth Meeting Thursday, December 15. 10:00 a.m.

Additional meetings may be scheduled by the Board Chairperson, as deemed necessary, for the hearing of appeals and/or deliberating and rendering board decisions; and

BE IT FURTHER RESOLVED, that all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby repealed; and

BE IT FURTHER RESOLVED, that this resolution shall take effect upon passage by the City Council.

RECORD OF VOTE:

Yeas: _____

Nays: _____

RESOLUTION DECLARED ADOPTED.

Robert Burr, Mayor

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council at a meeting held on February 15, 2016, at which meeting a quorum was present, and that this resolution was ordered to take immediate effect. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 167 of the Public Acts of Michigan 1976 (MCL 15.261 *et seq.*).

Amanda Morgan, City Clerk