

# City Council

## Regular Meeting Agenda

Monday, April 11, 2016  
7:00 p.m., Council Chambers



1. Call to Order
2. Invocation – Reverend Gini Heller, Pastor at the First United Methodist Church
3. Roll Call
4. Approval of Agenda
5. **Consent Agenda: Items A through F (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 asked to approve the City Council Regular minutes for March 21, 2016.
  - B. Council will be asked to approve invoices totaling \$414,678.45 for the period ending April 10, 2016 be approved and forwarded to the Clerk and Treasurer for payment.
  - C. Council will be asked to review the bids received for the Peterson Ravine Manhole Rehabilitation project and consider a contract award to Culy Contracting, Inc. in the amount of \$37,407.00.
  - D. Council will be asked to consider proposed upgrades to the traffic signal at Broadway and Phoenix and authorize City Manager to execute MDOT contract 16-5080.
  - E. Council will be asked to approve the Agreement and Mutual Release for the Covert Township Water Tower.
  - F. Council will be asked to approve the following minutes:
    - 1) January 19, 2016 Harbor Commission minutes;
    - 2) January 25, 2016 Board of Public Utilities minutes;
    - 3) January 25, 2016 Zoning Board of Appeals minutes;
    - 4) January 27, 2016 Housing Commission minutes; and
    - 5) February 8, 2016 Zoning Board of Appeals Special Meeting 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 approve the following special events:
  - a. **Special Event Application 2016-10 – Gathering to Give Craft & Vendor Expo to be held on June 25, 2016 at Stanley Johnston Park from 8:00 a.m. to 4:00 p.m.**

- b. **Special Event Application 2016-11 – 58<sup>th</sup> Annual Summer Art Fair to be held starting July 1, 2016 through July 3, 2016 at Stanley Johnston Park from 10:00 a.m. to 6:00 p.m.**
  - c. **Special Event Application 2016-12 – Light Up the Night 5k to be held on Saturday, October 1, 2016 from 5:30 p.m. to 9:00 p.m. beginning at the South Haven High School.**
  - d. **Special Event Application 2016-13 – “Light Up the Lake” Fireworks 2016 to be held on July 3, 2016 beginning 10:30 p.m. on the city’s beaches.**
- 7. Council will be asked to consider the following sign requests:**
- a. **National Day of Prayer to place a temporary sign on the west side of City Hall front lawn beginning April 27, 2016 through May 5, 2016.**
  - b. **Historical Association of South Haven to place a temporary sign on the backstop of the baseball diamond at Kids’ Corner playground from April through October 2016.**
- 8. Council will be asked to consider the sale of real property, parcel number 80-17-022-050-00, to Nicholas Wiatrowski in the amount of \$8,000.00.**
- 9. Council will be asked to schedule a series of budget workshops for the upcoming fiscal year.**
- 10. Council will be asked to consider the approval of the SHARP farm lease.**
- 11. Council will be asked to introduce an ordinance regulating short term rentals and to set the matter for a public hearing to occur on April 18, 2016.**
- 12. 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.)*
- 13. City Manager’s Comments**
- 14. Mayor and Councilperson’s Comments**
- 15. Adjourn**

RESPECTFULLY SUBMITTED,



**Brian Dissette, City Manager**

# City Council

## Regular Meeting Minutes

Monday, March 21, 2016  
7:00 p.m., Council Chambers



1. **Call to Order by Mayor Burr at 7:00 p.m.**
2. **Invocation – Reverend Douglas Pompey of Emmanuel Community Church**
3. **Roll Call**

Present: Jeff Arnold, Clark Gruber, Andy Klavins, Steve Schlack, Scott Smith  
Absent: Vickiy Kozlik Wall, Bob Burr

Moved by Smith, seconded by Klavins, to excuse Councilmember Kozlik Wall and Mayor Burr for to personal reasons.

Voted Yes: All. Motion carried.

4. **Approval of Agenda**

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

5. **Consent Agenda: Items A through F (Roll Call Vote Required)**

Moved by Arnold, seconded by Schlack, to approve the Consent Agenda as follows:

- A. Council will be asked to approve the City Council Workshop minutes for March 7, 2016.
- B. Council will be asked to approve the City Council Regular minutes for March 7, 2016.
- C. Council will be asked to approve invoices totaling \$1,273,975.80 for the period ending March 6, 2016 be approved and forwarded to the Clerk and Treasurer for payment.
- D. Council will be asked to consider a contract award to Krohn Excavating in the amount of \$378,119.40 for Black River Park and Huron Street Parking lot expansion projects.
- E. Council will be asked to consider a motion to approve an amended license agreement for 706 Center Street, an agreement allowing the continued use of the city's right-of-way.
- F. Council will be asked to approve the following minutes:
  - 1) February 4, 2016 Planning Commission minutes;
  - 2) February 9, 2016 Parks Commission minutes; and
  - 3) February 17, 2016 Liberty Hyde Bailey Board minutes.

A Roll Call Vote was taken:

Yeas: Arnold, Gruber, Klavins, Schlack, Smith

Nays: None

Motion carried

## OLD BUSINESS

### **6. Council will be asked to take the following actions:**

#### **a. Hold a public hearing on the proposed Industrial Facilities Tax Exemption Certificate for East Jordan Plastics; and**

Moved by Arnold, seconded by Schlack, to open the public hearing on the proposed Industrial Facilities Tax Exemption Certificate for East Jordan Plastics.

Voted Yes: All. Motion carried.

Public Hearing opened.

City Manager, Brian Dissette, outlined specifics of the proposal and gave a brief background of East Jordan Plastics.

Moved by Smith, seconded by Arnold, to close the public hearing on the proposed Industrial Facilities Tax Exemption Certificate for East Jordan Plastics.

Voted Yes: All. Motion carried and public hearing closed.

#### **b. Consider approval of Resolution 2016-19, a resolution granting an Industrial Facilities Tax Exemption Certificate for East Jordan Plastics, Inc. located at 1600 Stieve Drive.**

Moved by Smith, seconded by Arnold, to approve Resolution 2016-19, a resolution granting an Industrial Facilities Tax Exemption Certificate for East Jordan Plastics, Inc. located at 1600 Stieve Drive.

Voted Yes: All. Motion carried.

## NEW BUSINESS

### **7. Council will be asked to approve a license agreement with Gliks for a projecting sign placement.**

Moved by Arnold, seconded by Klavins, to approve a license agreement with Gliks for a projecting sign placement.

Voted Yes: All. Motion carried.

### **8. Council will be asked to approve a House Purchase and Relocation Agreement for 801 Green Street with Mr. Richard Braunz.**

Brian Dissette, City Manager, gave an overview of the agreement.

Richard Braunz of 820 Green Street spoke briefly about this issue.

Moved by Arnold, seconded by Schlack, to approve a House Purchase and Relocation Agreement for 801 Green Street with Mr. Richard Braunz.

Voted Yes: All. Motion carried.

**9. Council will be asked to approve the following special events:**

- a. Special Event Application 2016-04 – Rehearsal on the Riverfront to be held on Saturday, May 28, 2016 from 1:00 p.m. to 5:00 p.m. at Riverfront Park.**

Dolly Harris, of the Us Band, addressed the Council about this event.

Moved by Smith, seconded by Schlack, to approve Special Event Application 2016-04 – Rehearsal on the Riverfront to be held on Saturday, May 28, 2016 from 1:00 p.m. to 5:00 p.m. at Riverfront Park.

Voted Yes: All. Motion carried.

- b. Special Event Application 2016-06 – Summer Kickoff to be held on June 4, 2016 from 12:00 p.m. to 4:00 p.m. at Elkenburg Park.**

City Manager, Brian Dissette, gave a brief overview of this special event and recommended its approval.

Moved by Schlack, seconded by Arnold, to approve Special Event Application 2016-06 – Summer Kickoff to be held on June 4, 2016 from 12:00 p.m. to 4:00 p.m. at Elkenburg Park.

Voted Yes: All. Motion carried.

- c. Special Event Application 2016-07 – National Blueberry Festival Annual 5K Run & Walk and 10K Run to be held on August 13, 2016 from 6:00 a.m. to 11:00 a.m. starting on Kalamazoo Street and ending at the Southside Municipal Marina.**

City Manager, Brian Dissette, gave a brief overview of this special event and recommended its approval.

Moved by Schlack, seconded by Klavins, to approve Special Event Application 2016-07 – National Blueberry Festival Annual 5K Run & Walk and 10K Run to be held on August 13, 2016 from 6:00 a.m. to 11:00 a.m. starting on Kalamazoo Street and ending at the Southside Municipal Marina.

Voted Yes: All. Motion carried.

- d. Special Event Application 2016-08 – 5<sup>th</sup> Annual Salute to Veterans boat parade to be held on August 20, 2016 at 12:00 p.m. in the channel of the Black River.**

City Manager, Brian Dissette, gave a brief overview of this special event and recommended its approval.

Bruce Thatcher, event organizer, addressed Council regarding this event and invited everyone to come and salute our veterans.

Moved by Smith, seconded by Arnold, to approve Special Event Application 2016-08 – 5<sup>th</sup> Annual Salute to Veterans boat parade to be held on August 20, 2016 at 12:00 p.m. in the channel of the Black River.

Voted Yes: All. Motion carried.

**10. Council will be asked to consider the following actions regarding the Splash Pad:**

**a. Hold a public hearing on the proposed grant application to the Michigan Natural Resources Trust Fund (MNRTF); and**

Moved by Arnold, seconded by Klavins, to open the public hearing on the proposed grant application to the Michigan Natural Resources Trust Fund (MNRTF).

Voted Yes: All. Motion carried.

Public Hearing Opened.

City Manager, Brian Dissette, gave a brief background and overview of the project.

Moved by Arnold, seconded by Klavins, to close the public hearing on the proposed grant application to the Michigan Natural Resources Trust Fund (MNRTF).

Voted Yes: All. Motion carried and public hearing closed.

**b. Consider approval of Resolution 2016-20, a resolution authorizing the city's submission of a grant application to the MNRTF for the city's proposed Riverfront Park Splash Pad.**

Moved by Arnold, seconded by Smith, to approve Resolution 2016-20, a resolution authorizing the city's submission of a grant application to the MNRTF for the city's proposed Riverfront Park Splash Pad.

Voted Yes: All. Motion carried.

**11. Council will be asked to consider approval of Resolution 2016-21, a resolution to submit grant application to MDNR for Kids' Corner Park upgrades.**

City Manager, Brian Dissette, gave a brief background and overview of the project.

Moved by Smith, seconded by Arnold, to approve Resolution 2016-21, a resolution to submit grant application to MDNR for Kids' Corner Park upgrades.

Voted Yes: All. Motion carried.

**12. Council will be asked to consider adopting the set of City Council Priorities for the upcoming 2016-2017 fiscal year.**

Moved by Smith, seconded by Arnold, to adopt the set of City Council Priorities for the upcoming 2016-2017 fiscal year.

City Manager, Brian Dissette, spoke briefly about the priorities for the upcoming fiscal year.

Voted Yes: All. Motion carried.

**13. Council will be asked to consider a motion to reschedule the first meeting in April to occur on Monday, April 11, 2016 at 7:00 p.m. in Council Chambers at City Hall.**

Moved by Arnold, seconded by Schlack, to reschedule the first meeting in April to occur on Monday, April 11, 2016 at 7:00 p.m. in Council Chambers at City Hall.

Voted Yes: All. Motion carried.

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

Dr. Robert Hiddema, 212 Monroe Blvd, read a Letter to the Editor published in the Tribune March 20, 2016 regarding application of the Michigan Building Code of 2012.

Joan Hiddema, 212 Monroe Blvd, thanked those who attended the town hall meeting last Saturday and spoke about occupancy as it relates to the rental ordinance.

Matthew T. Nilson of Hartford introduced himself as a candidate running for State Representative for the 66<sup>th</sup> District and spoke about his plans if elected. He can be reached at [votenilson@empowermichigan.com](mailto:votenilson@empowermichigan.com).

Joe Reeser, 615 Monroe Blvd, addressed the Council regarding the two town hall meetings and efforts in fashioning a year round economy.

Gerald Webb, 508 North Shore Drive, addressed the Council regarding the Michigan Building Code and spoke on elements of the proposed rental ordinance.

Susan Woodhull, 1000 Monroe Blvd, addressed the Council regarding the property development next door to her home and the occupancy limits in the proposed rental ordinance.

Terri Webb, 508 North Shore Drive, addressed the Council regarding the property development on Cass Street and elements in the proposed rental ordinance.

Maureen Moravec, 1034 Midway Drive, spoke in favor of the proposed rental ordinance and discussed the individual elements of the ordinance.

Michelle Reineck, 98 Erie Street, spoke to Council regarding occupancy limits in the proposed rental ordinance.

Pat Gaston, 97 Superior Street, addressed the Council regarding the Michigan Building Code and occupancy limits in the proposed rental ordinance.

### 15. City Manager's Comments

City staff attended the Chamber of Commerce's Job Expo and trying to fill open job positions. A big thanks to the Human Resources Department for coordinating those efforts. Please check out the city's website for employment opportunities. We have posted our many open positions online, in the paper, Michigan works, Kinexus, and various trade journals.

Also, Planning Commission meets this Thursday, March 24, 2016 at 7:00 p.m. for a public hearing on the proposed rental ordinance.

MDOT is releasing information on series of concrete patch repair efforts on Phoenix and Broadway (trunk lines) which includes about 300 cuts and full depth repair during the month of April and should be wrapped by Memorial day. More information on city's website [www.south-haven.com](http://www.south-haven.com).

### 16. Mayor and Councilperson's Comments

**Arnold** – Thank you for your comments. Please email/call/contact us with your comments. We want to hear from you and will be doing homework on our end.

**Gruber** – Planning Commission meets this Thursday for a public hearing on the proposed rental ordinance. Keep in mind this is one of two public hearings. The second public hearing would be at City Council.

**Klavins** – South Haven Rams lost at regional finals but they did an excellent job. We appreciated your comments. We want to hear from you. He thanks the Planning Commission for their work on the issue.

**Schlack** – Thank you for your input. Even though he may not be speaking, he is listening.

**Smith** – Is happy for the improvements to the parks. He would like to see Kids' Corner become ADA accessible. Thanks everyone for their comments.

### 17. Adjourn

Moved by Arnold, seconded by Schlack, to adjourn the meeting.  
Voted Yes: All. Motion carried. Meeting adjourned at 8:32 p.m.

RESPECTFULLY SUBMITTED,



Kate Hosier  
Assistant City Manager

Approved by City Council:

**CITY OF SOUTH HAVEN  
APRIL 11, 2016**

	PREPAID	CURRENT	TOTAL
101-GENERAL FUND	\$ 91,411.91	\$ 34,222.73	\$ 125,634.64
202-MAJOR STREET FUND	\$ -	\$ -	\$ -
203-LOCAL STREET FUND	\$ -	\$ -	\$ -
204-STREET FUND	\$ 27.98	\$ 776.92	\$ 804.90
226-GARBAGE/REFUSE FUND	\$ -	\$ -	\$ -
250-DOWNTOWN DEVELOPMENT	\$ 9,854.82	\$ 1,000.00	\$ 10,854.82
251-LDFA #1	\$ -	\$ -	\$ -
252- LDFA #2	\$ -	\$ -	\$ -
253-LDFA #3	\$ -	\$ -	\$ -
260-BROWNFIELD AUTHORITY	\$ 15,000.00	\$ -	\$ 15,000.00
265-NARCOTICS UNIT	\$ 145.74	\$ -	\$ 145.74
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	\$ -	\$ 16,084.13	\$ 16,084.13
466- PAVILION AND ICE RINK	\$ -	\$ -	\$ -
545-BLACK RIVER PARK	\$ 48.71	\$ 2,932.00	\$ 2,980.71
577-BEACH FUND	\$ 302.80	\$ 18,357.97	\$ 18,660.77
582-ELECTRIC FUND	\$ 17,650.78	\$ 42,482.93	\$ 60,133.71
591-WATER FUND	\$ 37,168.71	\$ 29,938.48	\$ 67,107.19
592-SEWER FUND	\$ 5,332.99	\$ 74,367.26	\$ 79,700.25
594-MUNICIPAL MARINA	\$ 1,494.26	\$ 5,581.89	\$ 7,076.15
636-INFORMATION SERVICES	\$ 6,688.42	\$ 850.00	\$ 7,538.42
661-MOTOR POOL	\$ 2,502.05	\$ 454.97	\$ 2,957.02
677-SELF INSURANCE	\$ -	\$ -	\$ -
703-TAX FUND	\$ -	\$ -	\$ -
718-TRUST & AGENCY	\$ -	\$ -	\$ -
750-EMPLOYEE WITHHOLDING	\$ -	\$ -	\$ -
<b>TOTAL</b>	<b>\$ 187,629.17</b>	<b>\$ 227,049.28</b>	<b>\$ 414,678.45</b>

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
Bank 1 FIFTH THIRD BANK						
03/24/2016	1	53845	000375	C.T. ELECTRICAL SERVICES INC	REPLACED BALLAST - WATER PLANT	182.16
03/24/2016	1	53846	000418	CDW GOVERNMENT INC	TONER AXIS OUTDOOR NETWORK CAMERA USB DRIVES TONER	191.70 506.27 83.03 409.74
						<u>1,190.74</u>
03/24/2016	1	53847	000430	CENTURY LINK	LONG DISTANCE	5.52
03/24/2016	1	53848	000471	CITY PLUMBING & HEATING CO	PREVENTIVE MAINTENANCE - CITY HALL	451.50
03/24/2016	1	53849	003213	DALE CLAYTON	MILEAGE REIMBURSEMENT	64.80
03/24/2016	1	53850	003180	COPS HEALTH TRUST	INSURANCE	1,896.27
03/24/2016	1	53851	003127	ADAM DEBOER	MEAL & FUEL REIMBURSEMENT	74.72
03/24/2016	1	53852	000624	DELTA DENTAL OF MICHIGAN	INSURANCE	5,456.36
03/24/2016	1	53853	003072	MARY ANN FRAZIER	MILEAGE REIMBURSEMENT	227.34
03/24/2016	1	53854	000843	FRONTIER	TELEPHONE 269-639-8034-092904-5 TELEPHONE 269-637-5084-060311-5 TELEPHONE 269-637-8578-032095-5 TELEPHONE 616-040-3325-112972-5 TELEPHONE 269-637-2877-050814-5	41.09 276.81 52.78 58.57 64.79
						<u>494.04</u>
03/24/2016	1	53855	003187	RODERICK HATHAWAY	VEHICLE TINT REIMBURSEMENT	60.00
03/24/2016	1	53856	003271	KALAMAZOO FLAG	FLAGS	229.29
03/24/2016	1	53857	003056	MICHAEL LEDGER	SUPPLY REIMBURSEMENT	3.29
03/24/2016	1	53858	001405	LINCOLN NATIONAL LIFE INS CO	INSURANCE	3,008.02
03/24/2016	1	53859	001435	LULL, DEBORAH	SUPPLY REIMBURSEMENT	57.04
03/24/2016	1	53860	001605	MICHIGAN ECONOMIC DEVELOPERS	2016 MEMBERSHIP DUES - DAVIDSON	270.00
03/24/2016	1	53861	001610	MICHIGAN GAS UTILITIES	NATURAL GAS 0507140986-00001 NATURAL GAS 0504219751-00001 NATURAL GAS 0507828563-00001 NATURAL GAS 0507529033-00001 NATURAL GAS 0506115327-00001 NATURAL GAS 0502496428-00001 NATURAL GAS 0504596108-00001 NATURAL GAS 0507642127-00002 NATURAL GAS 0505867762-00001 NATURAL GAS 0506188358-00001 NATURAL GAS 0507157586-00001 NATURAL GAS 0503531418-00001 NATURAL GAS 0506689471-00001 NATURAL GAS 0507642127-00001 NATURAL GAS 0503915863-00001	3,737.10 76.03 232.74 2,386.88 110.60 36.93 48.73 245.37 978.28 687.72 2,859.34 181.00 12.39 154.74 231.38
						<u>11,979.23</u>
03/24/2016	1	53862	001893	OLSON BROTHERS CONTRACTORS	KIDS CORNER ROOF REPLACEMENT & REPAIRS	2,500.00
03/24/2016	1	53863	001948	PAT'S PRONTO PRINT	NOW HIRING POSTERS	43.28
03/24/2016	1	53864	002033	PRI MAR PETROLEUM INC	CARS WASHED	42.50
03/24/2016	1	53865	002395	SOUTH HAVEN COMMUNITY HOSPITAL	ER SERVICES	14.00
03/24/2016	1	53866	002425	SOUTH HAVEN/VAN BUREN COUNTY	ANNUAL LEASE FOR PUBLIC RESTROOMS ANNUAL LEASE FOR PUBLIC RESTROOMS	528.00 528.00
						<u>1,056.00</u>

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
03/24/2016	1	53867	002447	LINDA SPEARS	ALTERATIONS	51.00
					ALTERATIONS	25.00
					ALTERATIONS	18.00
						<u>94.00</u>
03/24/2016	1	53868	003144	STATE OF MICHIGAN	SEX OFFENDER REGISTRATION FEE	30.00
03/24/2016	1	53869	003191	WILL SWAN	MILEAGE REIMBURSEMENT	232.20
03/24/2016	1	53870	003327	UNITED HEALTHCARE INSURANCE CO	HEALTH INSURANCE PREMIUMS	60,665.40
03/24/2016	1	53871	002724	UPS STORE #5080	SHIPPING FEE	12.96
					SHIPPING FEE	18.68
					SHIPPING FEE	114.27
					SHIPPING FEE	10.95
					SHIPPING FEE	9.15
					SHIPPING FEE	14.43
					SHIPPING FEE	16.75
						<u>197.19</u>
03/24/2016	1	53872	003355	KEVIN VANBRUSSEL	FUEL REIMBURSEMENT	10.00
03/24/2016	1	53873	002792	VERIZON WIRELESS	CELL PHONES 486573081-00002	38.01
					CELL PHONES 486573081-00001	775.18
					CELL PHONES 742053338-00001	434.35
						<u>1,247.54</u>
03/25/2016	1	53874	UB REFUND	ADOMEIT, MARK & LORE	UB refund for account: 40331001	1,270.00
03/25/2016	1	53875	UB REFUND	HICKMAN, JOANN	UB refund for account: 13521611	150.00
03/25/2016	1	53876	UB REFUND	IRVINE, TERRENCE M	UB refund for account: 40273002	275.44
03/25/2016	1	53877	UB REFUND	JACKSON, TYNISA A	UB refund for account: 10455029	19.31
03/25/2016	1	53878	UB REFUND	LANGSTON, ASHLEY C	UB refund for account: 20688003	145.58
03/25/2016	1	53879	UB REFUND	PARKER, REED	UB refund for account: 41480000	43.31
03/25/2016	1	53880	UB REFUND	PLEASANT VIEW MHP-SOUTH HAVEN	UB refund for account: 20750005	6.03
03/25/2016	1	53881	UB REFUND	POPE, HEATHER D	UB refund for account: 30083001	125.01
03/25/2016	1	53882	UB REFUND	SMITH, ANGELA K	UB refund for account: 10533010	437.36
03/25/2016	1	53883	UB REFUND	STURGIS BANK & TRUST	UB refund for account: 30656003	206.82
03/25/2016	1	53884	UB REFUND	WILLIAMS, DERRICK L	UB refund for account: 20024505	124.35
03/29/2016	1	53885	003050	7TH DISTRICT COURT	CASH BOND - COLEEN ANN WILSON-ROOD	100.00
					CASH BOND - PENNY I FOWLER-GREEN	100.00
						<u>200.00</u>
03/31/2016	1	53886	000095	AMERICAN PRIDE	CRANK HANDLES FOR FLAGPOLES	168.00
03/31/2016	1	53887	000229	BEAVER RESEARCH COMPANY	SUPPLIES	95.34
					SUPPLIES	869.80
					SUPPLIES	292.58
						<u>1,257.72</u>
03/31/2016	1	53888	000309	A.D. BOS OFFICE COFFEE SERVICE	COFFEE & SUPPLIES	80.03
03/31/2016	1	53889	003425	CINTAS CORPORATION	SUPPLIES	14.90
03/31/2016	1	53890	000498	COMCAST	INTERNET SERVICE 01720 188884-01-4	59.70
03/31/2016	1	53891	000648	BRIAN DISSETTE	MILEAGE REIMBURSEMENT	92.88
03/31/2016	1	53892	003398	ECO DEMOLITION, INC.	229 ELKENBURG DEMOLITION	15,000.00
03/31/2016	1	53893	003442	FSLI/EYEMED	INSURANCE - APRIL 2016	295.22
03/31/2016	1	53894	000763	FARREN LAURENS	INSTALL SIDEWALK RAILING	4,333.33
03/31/2016	1	53895	000843	FRONTIER	TELEPHONE 269-637-9127-080204-5	83.96
					TELEPHONE 616-040-6480-021893-5	26.34

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
					TELEPHONE 616-001-2946-100103-5	74.32
					TELEPHONE 231-189-0674-032599-5	2,355.40
					TELEPHONE 269-637-0261-052112-5	153.46
					TELEPHONE 269-639-2048-112509-5	46.58
					TELEPHONE 269-639-9531-040500-5	110.94
					TELEPHONE 616-001-7480-082802-5	70.38
					TELEPHONE 269-637-7466-021392-5	486.40
					TELEPHONE 269-637-4778-082302-5	46.73
					TELEPHONE 269-639-3050-082313-5	639.24
					TELEPHONE 269-637-3376-081214-5	55.08
						<u>4,148.83</u>
03/31/2016	1	53896	000847	FUEL MANAGEMENT SYSTEM	FUEL	3,264.08
03/31/2016	1	53897	001031	HAVEN HEATING AND AIR CONDITIONING	MAINTENANCE & REPAIRS	146.00
03/31/2016	1	53898	001067	HI TEC BUILDING SERVICES	JANITORIAL SERVICE	3,467.87
03/31/2016	1	53899	001544	MENARDS	MAINTENANCE SUPPLIES	56.88
					MAINTENANCE SUPPLIES	36.64
					MAINTENANCE SUPPLIES	28.43
					MAINTENANCE SUPPLIES	87.63
					MAINTENANCE SUPPLIES	219.00
						<u>428.58</u>
03/31/2016	1	53900	001607	MICHIGAN ELECTRIC COOPERATIVE	ENERGY OPTIMIZATION PROGRAM	8,769.11
03/31/2016	1	53901	001642	MI-AWWA PAYMENT PROCESSING	SPRING REGIONAL MEETING REGISTRATION-T.	110.00
					SPRING REGIONAL MEETING REGISTRATION-R.	110.00
					SPRING REGIONAL MEETING REGISTRATION-R.	110.00
					SPRING REGIONAL MEETING REGISTRATION-H.	110.00
						<u>440.00</u>
03/31/2016	1	53902	MISC	NORTH SHORE DRAIN	NORTH SHORE DRAIN DRAINAGE DISTRICT	30,194.50
03/31/2016	1	53903	001853	NORTHERN FIRST AID	FIRST AID SUPPLIES - DPW	63.73
03/31/2016	1	53904	002020	POWER LINE SUPPLY CO	MAINTENANCE SUPPLIES	186.90
					MAINTENANCE SUPPLIES	702.43
					MAINTENANCE SUPPLIES	99.71
						<u>989.04</u>
03/31/2016	1	53905	002114	RATHCO SAFETY SUPPLY INC	ALUM SIGNS	2,698.00
03/31/2016	1	53906	002155	RIDGE AND KRAMER AUTO PARTS	MAINTENANCE SUPPLIES	27.72
					MAINTENANCE SUPPLIES	78.16
						<u>105.88</u>
03/31/2016	1	53907	002267	SECANT TECHNOLOGIES	ANNUAL WEB PROTECTION ADVANCED	1,166.90
					ANNUAL RENEWAL ENDUSER PROT MAIL & ENCF	4,220.00
						<u>5,386.90</u>
03/31/2016	1	53908	002312	SHULTS EQUIPMENT INC	SURFACED HARDENED GRADER BLADES	1,927.00
03/31/2016	1	53909	003132	SOUTH HAVEN HEALTH SYSTEM	PHYSICALS	126.00
					LAB SERVICES	14.00
						<u>140.00</u>
03/31/2016	1	53910	002478	STAPLES ADVANTAGE	SUPPLIES	629.40
03/31/2016	1	53911	002499	STATE OF MICHIGAN	WATER TESTS	35.00
03/31/2016	1	53912	002644	TRACE ANALYTICAL LAB INC	CHEMICAL ANALYSIS	365.00

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
03/31/2016	1	53913	002654	TRANE U.S. INC	REPAIRS - ICE RINK	4,171.93
03/31/2016	1	53914	002792	VERIZON WIRELESS	CELL PHONES 886568152-00001	1,346.73
03/31/2016	1	53915	002798	VILLAGE COIN LAUNDRY	LAUNDRY SERVICE	52.50
03/31/2016	1	53916	003443	WATERWAY GUIDE	1/4 PAGE AD - 2016 GREAT LAKES	405.00
					1/4 PAGE AD - 2016 GREAT LAKES	405.00
						<u>810.00</u>
03/31/2016	1	53917	UB REFUND	BALLIET, JINNY	UB refund for account: 20320003	280.85
03/31/2016	1	53918	UB REFUND	EVANS, STEVE	UB refund for account: 30061000	8.46
03/31/2016	1	53919	UB REFUND	FIELDS, HARRIETTA I	UB refund for account: 13523200	79.41
03/31/2016	1	53920	UB REFUND	MASSENBURG, MARSHA A	UB refund for account: 10512021	128.86
03/31/2016	1	53921	UB REFUND	MONTGOMERY, HENRY	UB refund for account: 41791000	186.81
03/31/2016	1	53922	UB REFUND	MYERS, JAMES E	UB refund for account: 11359014	61.92
03/31/2016	1	53923	UB REFUND	SALAS, HECTOR	UB refund for account: 21135502	56.23
03/31/2016	1	53924	003183	GERALD KIRSCH	CLOTHING REIMBURSEMENT	145.74
03/31/2016	1	53925	001544	MENARDS	MAINTENANCE SUPPLIES	363.48
					MAINTENANCE SUPPLIES	6.24
					MAINTENANCE SUPPLIES	39.96
					MAINTENANCE SUPPLIES	19.75
					MAINTENANCE SUPPLIES	8.73
					CREDIT MEMO	(4.77)
						<u>433.39</u>
03/31/2016	1	53926	002267	SECANT TECHNOLOGIES	REACTIVE SUPPORT	<u>580.00</u>
1 TOTALS:						

Total of 82 Disbursements:

187,629.17

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
Bank 1 FIFTH THIRD BANK						
04/11/2016	1	53927	000014	ABONMARCHE CONSULTANTS INC	HURON STREET PARKING LOT SAW GRANT ASSET MANAGEMENT PLANS KALAMAZOO STREET ASSISTANCE BLACK RIVER STREET SEWER NORTH SHORE DRIVE INDIAN GROVE LIFT STATION & MONROE BOULE MAIN PUMP STATION CONSOLIDATION	1,000.00 19,026.43 432.50 5,619.65 5,721.73 4,228.75 29,669.25 <u>65,698.31</u>
04/11/2016	1	53928	000065	ALLIED MECHANICAL SERVICES INC	SETTLING BASIN TROUGH REHAB PREVENTIVE MAINTENANCE	8,560.00 <u>1,140.00</u> 9,700.00
04/11/2016	1	53929	003304	APPRAISALS PLUS GROUP, INC.	ASSESSING SERVICES	3,605.00
04/11/2016	1	53930	000161	ASPLUNDH TREE EXPERT CO	SPRAYING SPRAYING	4,932.80 <u>3,699.60</u> 8,632.40
04/11/2016	1	53931	000179	AVI SYSTEMS INC	LEIGHTRONIX ANNUAL SUBSCRIPTION	995.00
04/11/2016	1	53932	000505	COMPTON INC	DITCHING & HAULING AWAY SPOIL - FLOODING SUPPLIES	605.00 <u>20.00</u> 625.00
04/11/2016	1	53933	000519	CONSUMERS ENERGY	ELECTRIC 1000 1414 0337 ELECTRIC 1000 1414 0568 ELECTRIC 1000 1414 0840	98.46 40.45 36.21 <u>175.12</u>
04/11/2016	1	53934	002580	CONTROL SOLUTIONS INC.	REPAIRS	312.50
04/11/2016	1	53935	000718	ELECSYS INTERNATIONAL CORP	MONTHLY MAINTENANCE	267.00
04/11/2016	1	53936	000843	FRONTIER	TELEPHONE 269-637-1402-071613-5 TELEPHONE 269-637-3649-041905-5 TELEPHONE 269-637-7926-011395-5	117.97 47.73 35.23 <u>200.93</u>
04/11/2016	1	53937	000872	GEMPLER'S	SUPPLIES CREDIT MEMO	421.05 <u>(21.95)</u> 399.10
04/11/2016	1	53938	000913	GRAINGER	MAINTENANCE SUPPLIES MAINTENANCE SUPPLIES	75.30 <u>254.60</u> 329.90
04/11/2016	1	53939	000994	HAPA LLC	MARINA MANAGER BLACK RIVER PARK MANAGEMENT FEE	5,581.89 <u>500.00</u> 6,081.89

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
04/11/2016	1	53940	001007	HARDESTY & HANOVER, LLP	BRIDGE INSPECTION FOR METRIC 19 COMPLIAN	16,084.13
04/11/2016	1	53941	001065	HISTORICAL ASSOCIATION OF	SOUTH PIERHEAD LIGHT MAINTENANCE	5,000.00
04/11/2016	1	53942	001102	HUBBELL, ROTH & CLARK INC	DIGESTER MIXER REPLACEMENT OPTIONS STUDY	828.68
					SOUTH HAVEN AMP WWTP & PUMP STATIONS	847.56
						<u>1,676.24</u>
04/11/2016	1	53943	001171	J & L ORCHARD SUPPLY LLC	SUPPLIES	22.00
					SUPPLIES	53.00
						<u>75.00</u>
04/11/2016	1	53944	003222	KSS ENTERPRISES	SUPPLIES	139.71
04/11/2016	1	53945	001331	LAKE MICHIGAN MAILERS	MAILING FEES C-378	10,000.00
04/11/2016	1	53946	003432	LAKESHORE IRON, LLC	ALUMINUM SHELF BRACKET	200.00
04/11/2016	1	53947	001523	MC FADDEN FRIENDLY MOTORS INC	INTEGRATED KEY FOB	248.85
04/11/2016	1	53948	001544	MENARDS	MAINTENANCE SUPPLIES	59.46
					MAINTENANCE SUPPLIES	69.99
					MAINTENANCE SUPPLIES	9.99
						<u>139.44</u>
04/11/2016	1	53949	001561	METRON-FARNIER, LLC	METERS & SUPPLIES	19,442.16
04/11/2016	1	53950	001580	MICHIGAN ASSOC. OF MUN. CEMETERIES	ANNUAL MEMBERSHIP - MARY ANN FRAZIER	35.00
					CONFERENCE REGISTRATION-MARY ANN FRAZIER	95.00
						<u>130.00</u>
04/11/2016	1	53951	001607	MICHIGAN ELECTRIC COOPERATIVE	ENERGY OPTIMIZATION PROGRAM	8,835.21
04/11/2016	1	53952	001707	MITCHELL & MORSE LAND SURVEYING	SURVEYING SERVICES FOR 721 AYLWORTH AVE	350.00
04/11/2016	1	53953	001766	MUZZALL GRAPHICS	LASER REMINDER NOTICES	512.84
04/11/2016	1	53954	002020	POWER LINE SUPPLY CO	MAINTENANCE SUPPLIES	7,657.96
					MAINTENANCE SUPPLIES	745.90
					MAINTENANCE SUPPLIES	55.00
						<u>8,458.86</u>
04/11/2016	1	53955	002267	SECANT TECHNOLOGIES	3 YEAR UC SECURITY CERTIFICATE	850.00
04/11/2016	1	53956	002268	SECURALARM SYSTEMS INC	SYSTEM INSTALLATION - CITY HALL	1,038.00
04/11/2016	1	53957	002478	STAPLES ADVANTAGE	SUPPLIES	221.60
04/11/2016	1	53958	002599	THAYER INC	DPW SUPPLIES	798.53
04/11/2016	1	53959	002637	TOTAL PARKING SOLUTIONS INC	ANNUAL MAINTENANCE CONTRACT	11,880.00
					ANNUAL WEBOFFICE CMS MONITORING	8,640.00
						<u>20,520.00</u>
04/11/2016	1	53960	002645	TRACTOR SUPPLY CREDIT PLAN	SUPPLIES ACCT#6035 3012 0016 6427	32.99
					SUPPLIES ACCT#6035 3012 0016 6427	19.99
					SUPPLIES ACCT#6035 3012 0016 6427	22.98
					SUPPLIES ACCT#6035 3012 0016 6427	45.98
					SUPPLIES ACCT#6035 3012 0016 6427	81.98
						<u>203.92</u>
04/11/2016	1	53961	002665	TREECORE	TREE WORK	20,856.00
04/11/2016	1	53962	002728	USA BLUE BOOK	LAB SUPPLIES	529.61
					LAB SUPPLIES & PUMP	2,379.20

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User: MARGUE  
DB: South Haven

CHECK REGISTER FOR CITY OF SOUTH HAVEN  
CHECK DATE FROM 04/11/2016 - 04/11/2016

Page: 3/3

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
					LAB SUPPLIES	62.95
					LAB SUPPLIES	43.93
					LAB SUPPLIES	348.83
						<u>3,364.52</u>
04/11/2016	1	53963	002748	VAN BUREN COUNTY	DEED & LEGAL VER., SPLIT & MAP UPDATES,	5,933.00
04/11/2016	1	53964	002860	WEBB CHEMICAL SERVICE CORP	FERRIC CHLORIDE	<u>4,949.12</u>

1 TOTALS:

Total of 38 Disbursements:

227,049.28



# City of South

## Department of Public Works

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

### MEMORANDUM

**TO:** Brian Dissette, City Manager  
**FROM:** Larry Halberstadt, PE, City Engineer  
**DATE:** March 30, 2016  
**RE:** Peterson Ravine Manhole Rehabilitation

### Background Information:

In July of 2015, the City of South Haven submitted a State Revolving Fund (SRF) project plan to the Michigan Department of Environmental Quality. This plan includes recommendations for numerous sanitary sewer improvements throughout the City.

One of the projects identified in the project plan is rehabilitation of manholes within the Peterson Ravine area. The Peterson County Drain enters the city limits at Aylworth Avenue and continues to an outlet in the Black River. At the time that South Haven was originally developed, it was decided to lay trunk sewers along the ravines adjacent to the open creek. While this resulted in a lower initial cost of construction, it places the sewers and appurtenant manholes in an area that is susceptible to occasional flooding and high ground water.

During the preparation of the SRF project plan, Abonmarche identified infiltration at some of the manholes in the Peterson Ravine. In addition, the elevation and condition of the manhole tops and covers can lead to direct inflow during creek flooding.

In order to address this source of inflow and infiltration, Abonmarche has prepared plans that include a variety of rehabilitation activities. The work primarily includes grout injection to stop infiltration through cracks or joints in the manhole walls and reconstruction of the manhole tops and covers to provide a watertight assembly.

This project was estimated to cost \$74,054 and funding was included in the 2015-16 fiscal year budget for the sewer fund. On February 19, 2016, the City opened bids for the rehabilitation. The low bid amount is \$37,407.00. At their March 28, 2016 regular meeting, the Board of Public Utilities reviewed the bids and passed a motion recommending that City Council award the Peterson Ravine Manhole Rehabilitation project to Culy Contracting, Inc. of Winchester, IN in the amount of \$37,407.00.

**Memorandum**

March 30, 2016

Peterson Ravine Manhole Rehabilitation

Page 2 of 2

**Recommendation:**

City Council should review the bids at their April 11, 2016 regular meeting and award the Peterson Ravine Manhole Rehabilitation project to Culy Contracting, Inc. of Winchester, IN in the amount of \$37,407.00.

**Attachments:**

Project Drawings

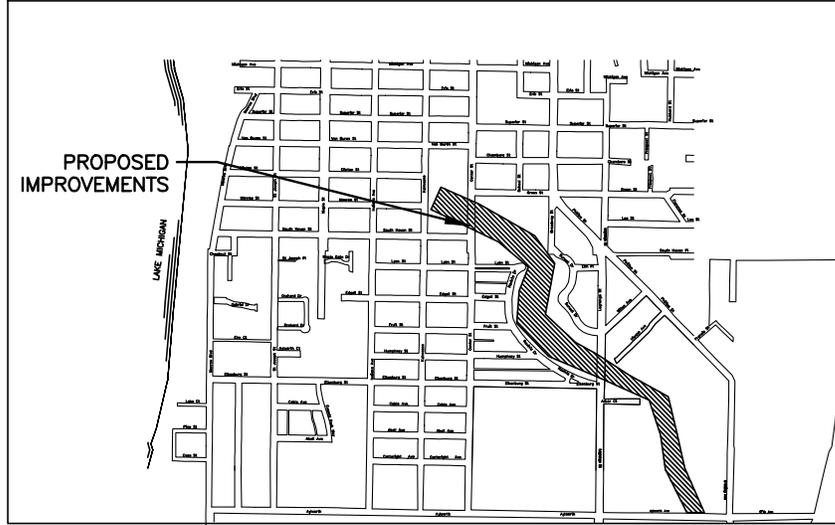
Recommendation of Award Letter

CITY OF SOUTH HAVEN  
 PETERSON RAVINE MANHOLE REHABILITATION PROJECT

**CALL MISS DIG**

1-800-482-7171 OR 811

FOR PROTECTION OF THE UNDERGROUND UTILITIES, THE CONTRACTOR SHALL CALL MISS DIG A MINIMUM OF THREE FULL WORKING DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND HOLIDAYS PRIOR TO BEGINNING CONSTRUCTION OPERATIONS. MEMBERS WILL THUS BE ROUTINELY NOTIFIED. THIS DOES NOT RELIEVE THE CONTRACTOR OF THE RESPONSIBILITY OF NOTIFYING UTILITY OWNERS WHO MAY NOT BE PART OF THE "MISS DIG" ALERT SYSTEM.



JAN. 2016

**MDOT STANDARD DETAILS – NOT PRINTED**

R-96 SERIES SOIL EROSION & SEDIMENTATION CONTROL MEASURES

\* SPECIAL DETAILS

CONTRACT FOR:

CLEANING, LINING, GROUTING, SEALING MANHOLES, MANHOLE COVER REPLACEMENT, AND REHABILITATION OF MANHOLES ALONG THE PETERSON RAVINE FROM CENTER STREET TO AYLWORTH AVENUE.

PREPARED UNDER SUPERVISION OF

EXCEPT WHERE OTHERWISE INDICATED ON THESE PLANS OR IN THE PROPOSAL AND SUPPLEMENTAL SPECIFICATIONS CONTAINED HEREIN ALL MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE MICHIGAN DEPARTMENT OF TRANSPORTATION 2012 STANDARD SPECIFICATIONS FOR CONSTRUCTION.

CITY OF SOUTH HAVEN APPROVAL

BRIAN DISSETTE – CITY MANAGER

DATE

LARRY HALBERSTADT, PE – CITY ENGINEER

DATE

REGISTERED PROFESSIONAL ENGINEER  
 DANIEL A. DOMBOS II, P.E.  
 REGISTRATION NUMBER: MI 55193

DATE



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 South Bend, IN  
 Portage, IN

Engineering  
 Architecture  
 Land Surveying  
 Marina/Waterfront  
 Community Planning  
 Landscape Architecture  
 Development Services

PREPARED FOR:

**PETERSON RAVINE  
 CITY OF SOUTH HAVEN  
 VAN BUREN COUNTY, MI**

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SCALE: **N/A**

JOB #: **15-0644**

SHEET **SHT 1** OF **8**

## GENERAL NOTES:

MDOT STANDARD SPECIFICATIONS FOR CONSTRUCTION, 2012 EDITION SHALL PREVAIL, UNLESS INDICATED OTHERWISE.

THREE WORKING DAYS PRIOR TO CONSTRUCTION THE CONTRACTOR SHALL REQUEST THE LOCATIONS OF ALL UTILITIES BY CALLING MISS DIG.

ANY EXCESS/UNSUITABLE MATERIAL SHALL BECOME THE PROPERTY OF THE CONTRACTOR AND THEY SHALL BE RESPONSIBLE FOR THE PROPER DISPOSAL OF THIS MATERIAL.

DEWATERING, IF REQUIRED, SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND NO EXTRA PAYMENT SHALL BE MADE THEREFORE.

THE CONTRACTOR SHALL PROVIDE THE ENGINEER WITH ''AS-RECORDED'' DRAWINGS OF THE SEWERS UPON COMPLETION OF THE PROJECT.

TREES NOT DESIGNATED FOR REMOVAL SHALL BE PROTECTED BY THE CONTRACTOR. DAMAGED TREES SHALL BE RESTORED TO THE ORIGINAL CONDITION AT THE CONTRACTORS EXPENSE. ALL TREES DAMAGED BEYOND SAVING AS DETERMINED BY THE ENGINEER SHALL BE REMOVED AND REPLACED WITH A NURSERY GROWN TREE AS SPECIFIED BY THE ENGINEER.

REMOVED MANHOLE COVERS AND RIMS SHALL BECOME THE PROPERTY OF THE CITY OF SOUTH HAVEN AND SHALL BE DELIVERED TO THE CITY DEPT. OF PUBLIC WORKS.

REMOVAL OF ABANDONED CONFLICTING UTILITIES SHALL BE CONSIDERED INCLUDED WITH THE ITEM BEING CONSTRUCTED, INCLUDING BULKHEADING ALL PIPES 12'' DIA. OR LESS (PIPES IN EXCESS OF 12'' DIA. SHALL BE PAID FOR AS A SEWER BULKHEAD).

## SANITARY SEWER:

ACCESS TO PETERSON RAVINE SHALL BE LIMITED TO FOOT TRAFFIC, ALL-TERRAIN VEHICLE OR PICKUP TRUCK. NO FILL OR TEMPORARY CULVERTS WILL BE PERMITTED FOR CONSTRUCTION OF CREEK CROSSINGS.

LIMIT EARTH DISTURBANCE TO AREAS IN THE IMMEDIATE VICINITY OF THE SANITARY MANHOLES WHERE REHABILITATION OR STRUCTURE ALTERATION IS SPECIFIED. RESTORE DISTURBED AREAS WITH TOPSOIL, SEED, AND MULCH BLANKET IN ACCORDANCE WITH THE SPECIFICATIONS. THE COST FOR ADDITIONAL RESTORATION BEYOND A 10'X10' AREA AROUND THE EXISTING MANHOLES SHALL BE BORNE BY THE CONTRACTOR.

SANITARY SEWERS SHALL BE REMAIN IN SERVICE DURING THE WORK. BYPASS PUMPING IS NOT PERMITTED UNLESS AUTHORIZED IN WRITING BY THE CITY ENGINEER.

WHERE NEW CASTINGS ARE SHOWN, REMOVE EXISTING CASTINGS AND DELIVER TO CITY OF SOUTH HAVEN DEPARTMENT OF PUBLIC WORKS.

REMOVE AND SALVAGE EXISTING CASTING INSERTS FROM EXISTING MANHOLE COVERS. INSTALL SALVAGED CASTING INSERTS IN NEW MANHOLE CASTINGS WHERE REPLACEMENT IS SHOWN ON THE PLANS.

DRAINAGE STRUCTURE AND SANITARY MANHOLE COVERS SHALL BE PAID AS DRAINAGE STRUCTURE COVER. MANHOLE CASTINGS SHALL DENOTE STORM SEWER, SANITARY SEWER OR WATER AND SHALL BEAR THE CITY STANDARD LOGO.



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Community Planning  
Landscape Architecture  
Development Services

PREPARED FOR:

**PETERSON RAVINE  
CITY OF SOUTH HAVEN  
VAN BUREN COUNTY, MI**

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SCALE: **N/A**

JOB #: **15-0644**

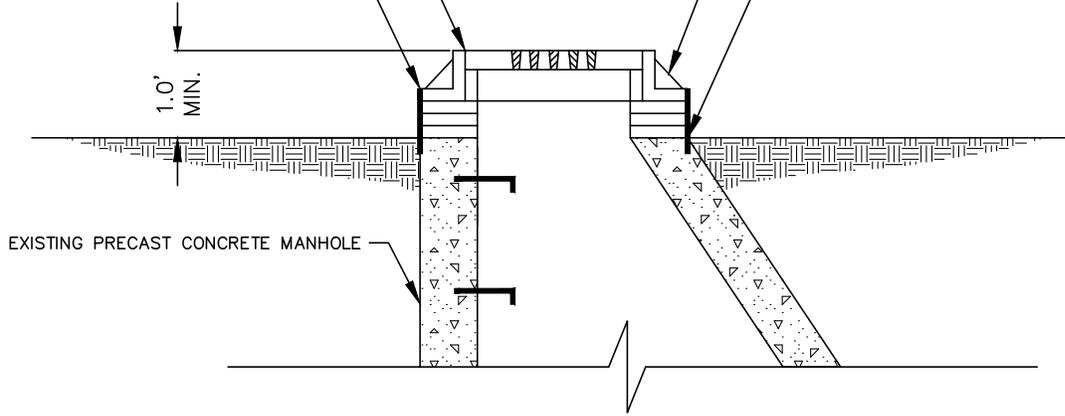
SHEET **2** OF **8**

PLACE SPECIFIED MANHOLE FRAME AND COVER ON 2 BEADS OF POLYURETHANE ADHESIVE/SEALANT

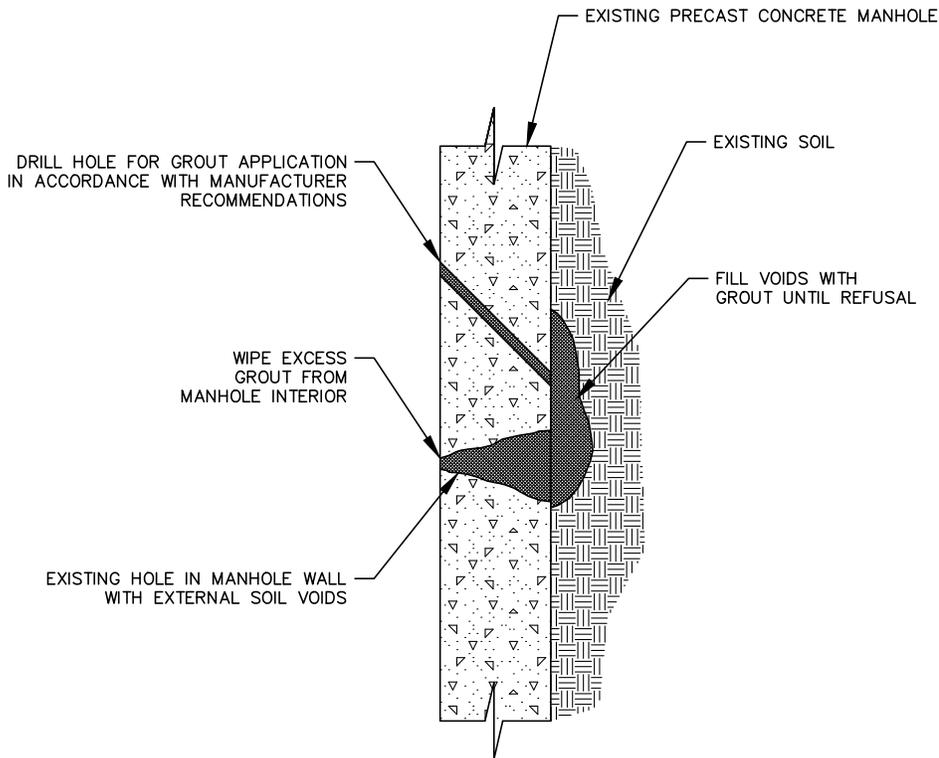
PLACE POLYMER ADJUSTMENT RINGS WITH 2 BEADS OF POLYURETHANE ADHESIVE/SEALANT

EXTERNAL CHIMNEY SEALING BAND (WHERE SPECIFIED) INSTALL IN ACCORDANCE WITH MANUFACTURER RECOMMENDATIONS

REMOVE EXISTING CASTINGS AND CHIMNEY. CLEAN TOP SURFACE AND LEVEL WITH PORTLAND CEMENT MORTAR



**MANHOLE ADJUSTMENT AND INFILTRATION/INFLOW COUNTERMEASURES**  
NOT TO SCALE



**GROUT REPAIR OF INFILTRATION THROUGH MANHOLE WALL**  
NOT TO SCALE



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Development Services

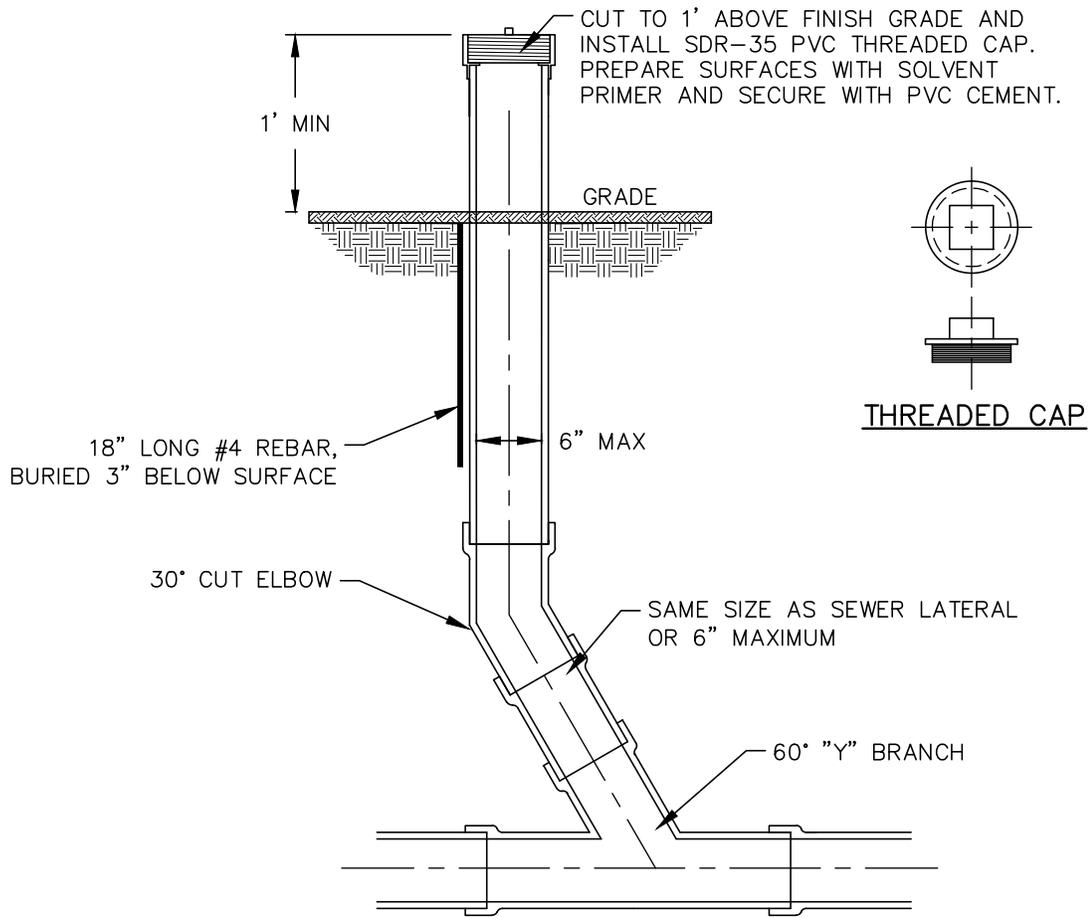
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**PETERSON RAVINE**  
**CITY OF SOUTH HAVEN**  
**VAN BUREN COUNTY, MI**

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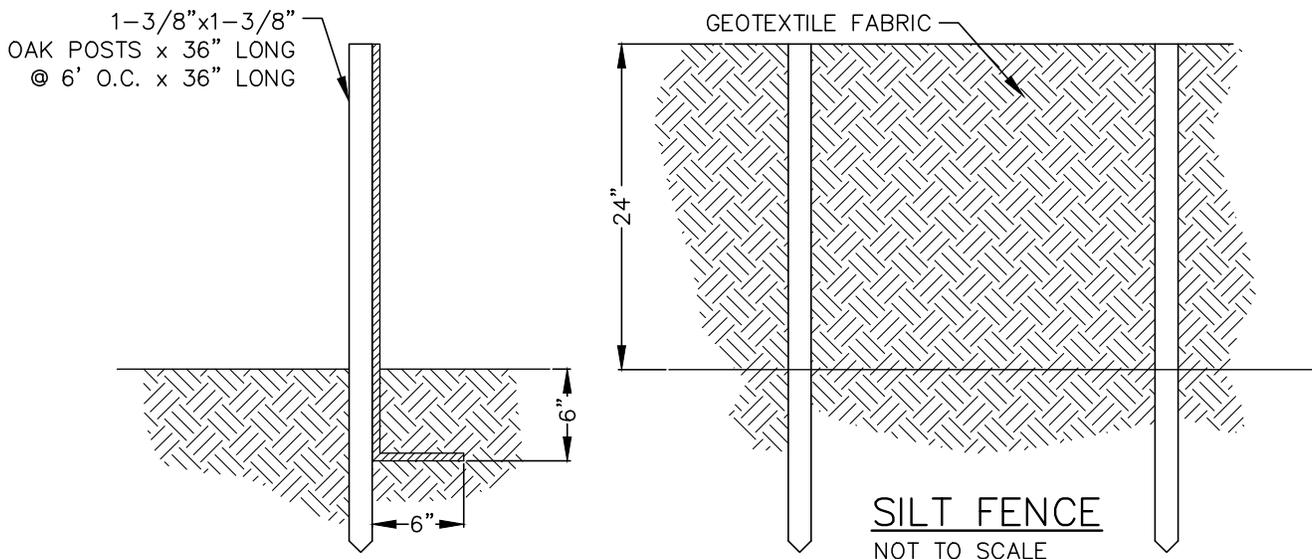
SCALE: **N/A**

JOB #: **15-0644**

SHEET **3** OF **8**



**CLEANOUT ADJUSTMENT DETAIL**  
NOT TO SCALE



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**VAN BUREN COUNTY, MI**

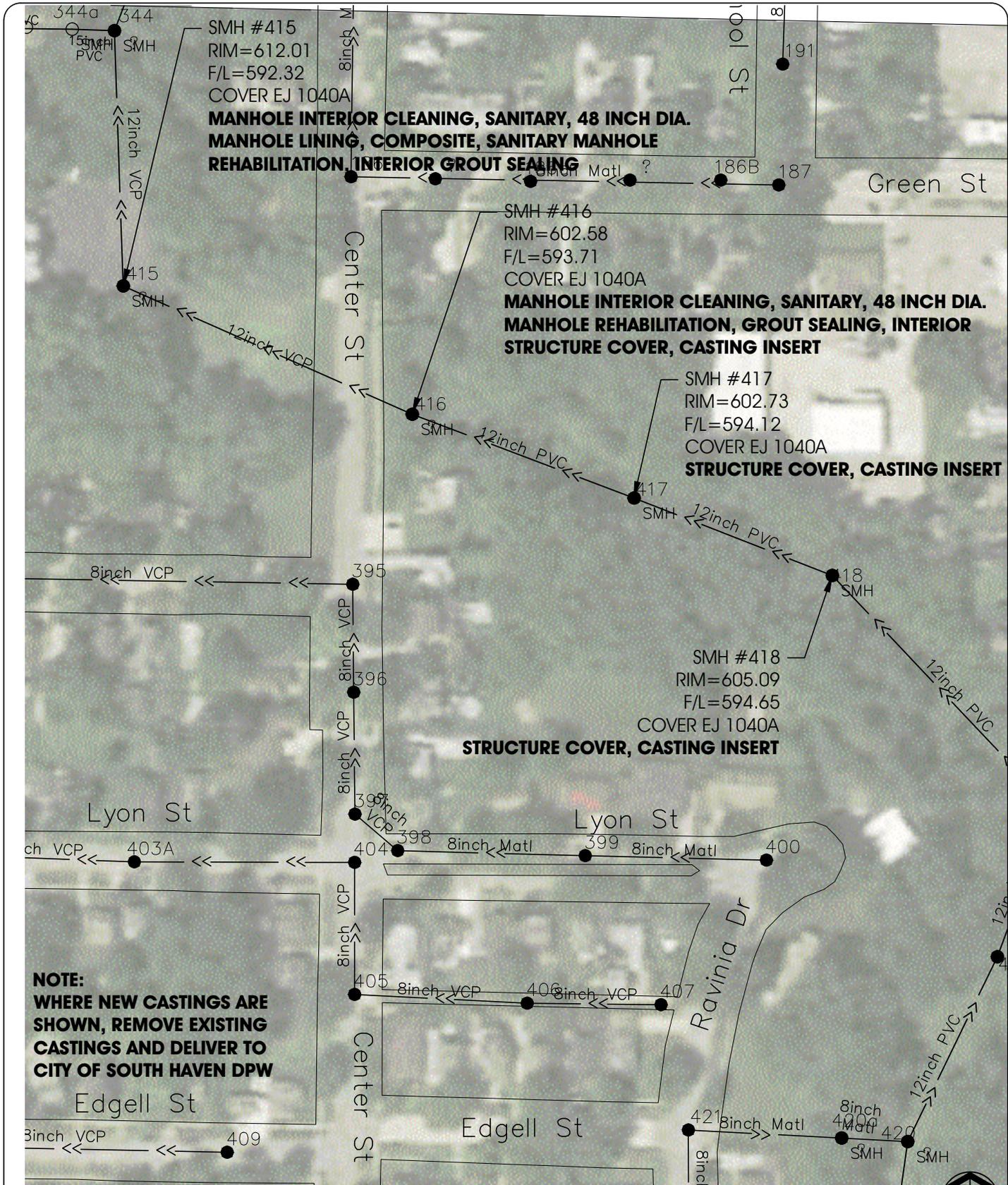
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SCALE: **N/A**

JOB #: **15-0644**

SHEET **4** OF **8**

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RIM=612.01  
F/L=592.32  
COVER EJ 1040A  
**MANHOLE INTERIOR CLEANING, SANITARY, 48 INCH DIA.  
MANHOLE LINING, COMPOSITE, SANITARY MANHOLE  
REHABILITATION, INTERIOR GROUT SEALING**

SMH #416  
RIM=602.58  
F/L=593.71  
COVER EJ 1040A  
**MANHOLE INTERIOR CLEANING, SANITARY, 48 INCH DIA.  
MANHOLE REHABILITATION, GROUT SEALING, INTERIOR  
STRUCTURE COVER, CASTING INSERT**

SMH #417  
RIM=602.73  
F/L=594.12  
COVER EJ 1040A  
**STRUCTURE COVER, CASTING INSERT**

SMH #418  
RIM=605.09  
F/L=594.65  
COVER EJ 1040A  
**STRUCTURE COVER, CASTING INSERT**

**NOTE:**  
WHERE NEW CASTINGS ARE  
SHOWN, REMOVE EXISTING  
CASTINGS AND DELIVER TO  
CITY OF SOUTH HAVEN DPW



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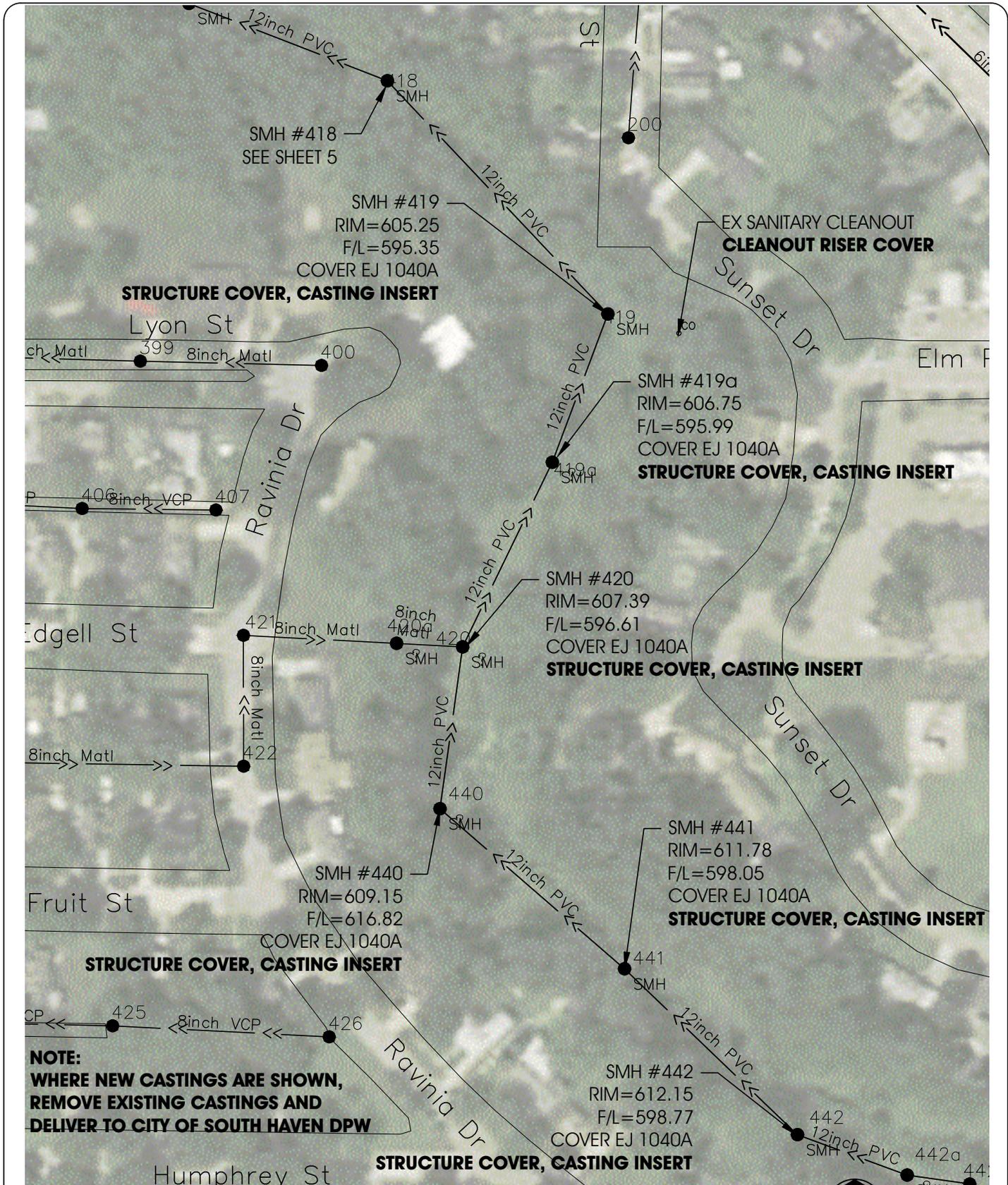
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Architecture  
Land Surveying  
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Landscape Architecture  
Development Services

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SCALE: 1"=150'  
JOB #: 15-0644  
SHEET 5 OF 8



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**NOTE:**  
WHERE NEW CASTINGS ARE SHOWN,  
REMOVE EXISTING CASTINGS AND  
DELIVER TO CITY OF SOUTH HAVEN DPW



95 West Main Street  
Benton Harbor, MI 49022  
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F 269.927.1017

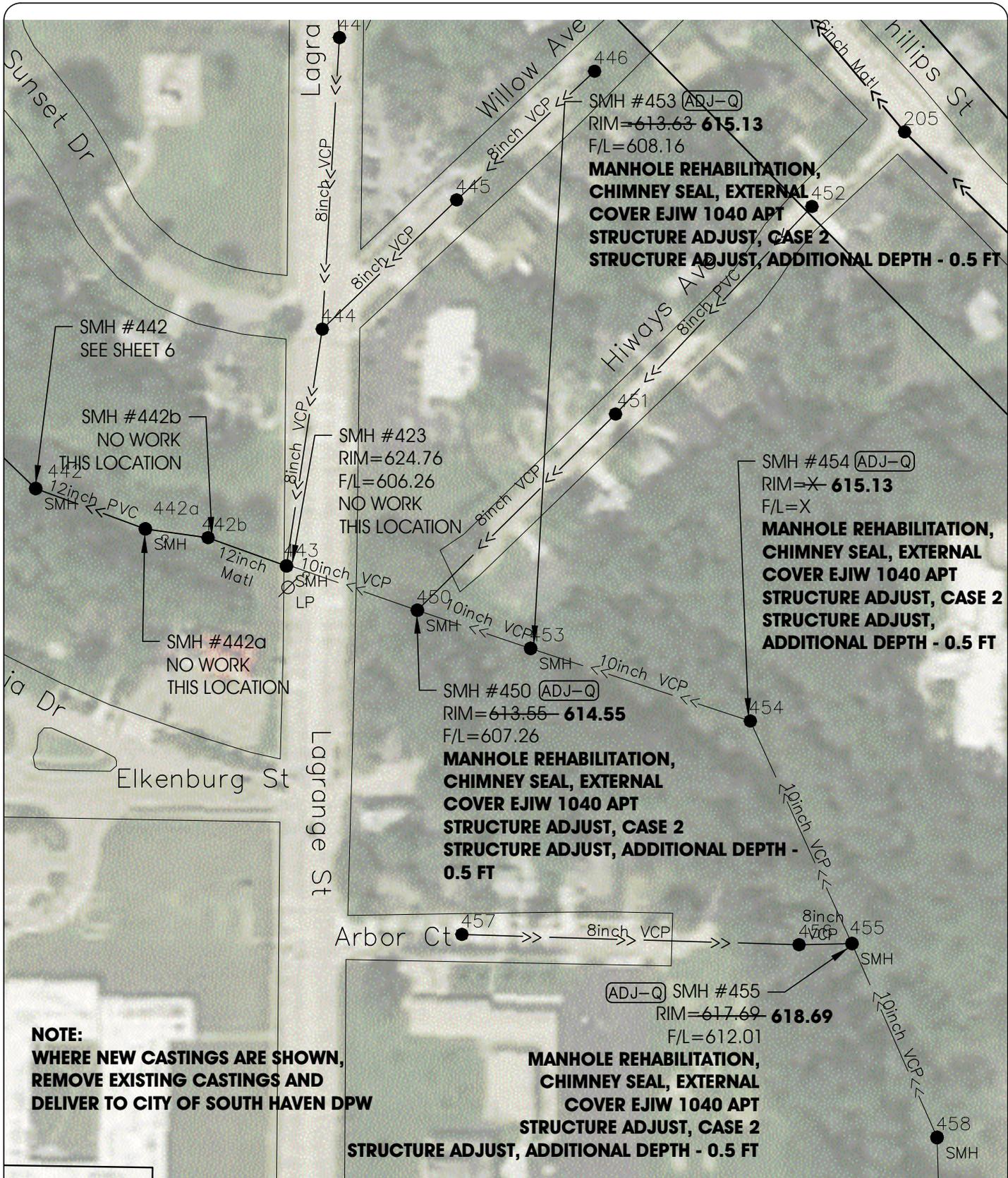
Manistee, MI  
South Haven, MI  
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Architecture  
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Development Services

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SCALE: 1"=150'  
JOB #: 15-0644  
SHEET 6 OF 8





**NOTE:**  
**WHERE NEW CASTINGS ARE SHOWN,**  
**REMOVE EXISTING CASTINGS AND**  
**DELIVER TO CITY OF SOUTH HAVEN DPW**

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95 West Main Street  
 Benton Harbor, MI 49022  
 T 269.927.2295  
 F 269.927.1017

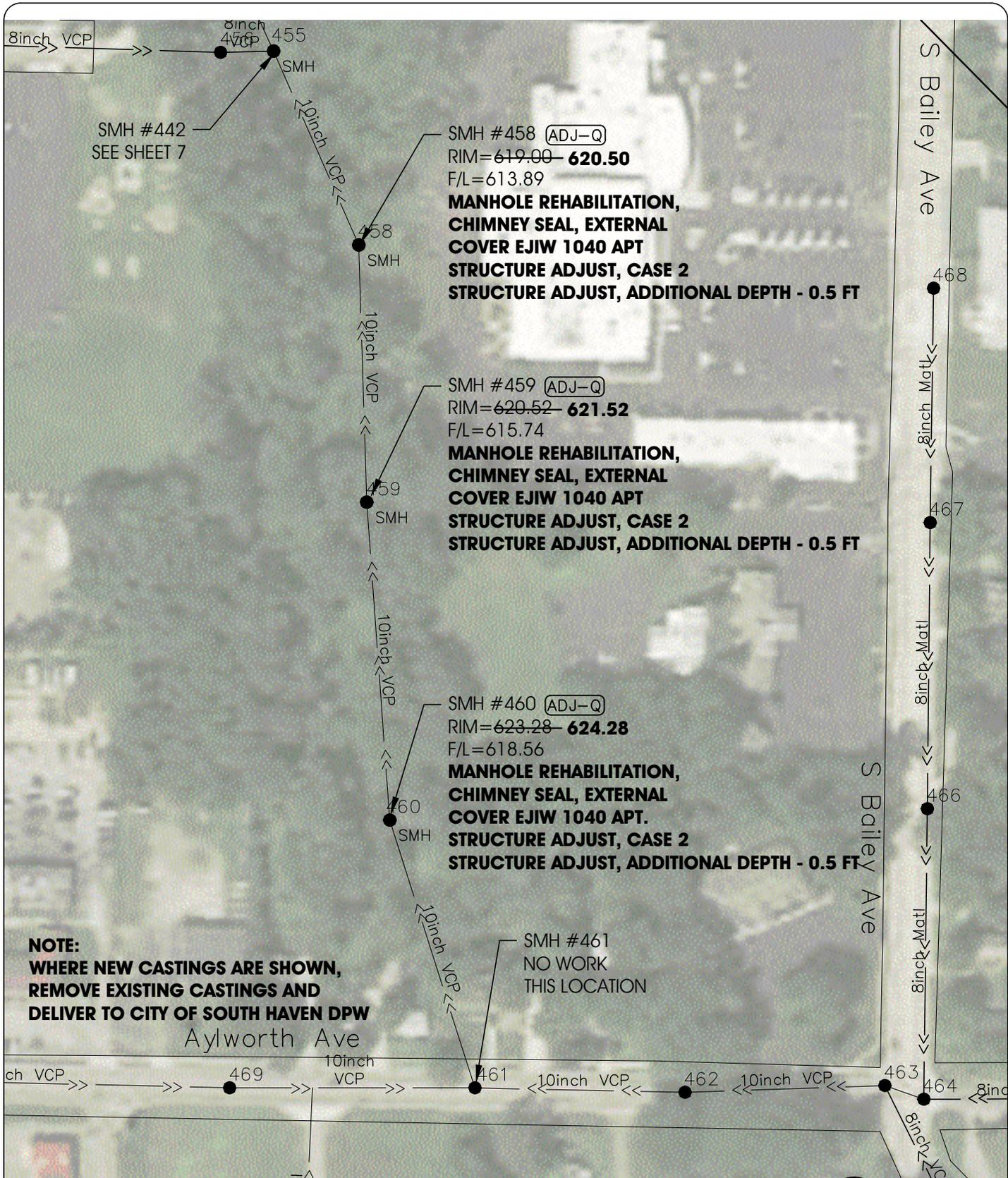
Manistee, MI  
 South Haven, MI  
 South Bend, IN  
 Portage, IN

Engineering  
 Architecture  
 Land Surveying  
 Marina/Waterfront  
 Community Planning  
 Landscape Architecture  
 Development Services

PREPARED FOR:  
**PETERSON RAVINE**  
**CITY OF SOUTH HAVEN**  
**VAN BUREN COUNTY, MI**  
 COPYRIGHT 2013-ABONMARCHÉ CONSULTANTS, INC.

SCALE: 1"=150'
JOB #: 15-0644
SHEET 7 OF 8





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95 West Main Street  
Benton Harbor, MI 49022  
T 269.927.2295  
F 269.927.1017

Manistee, MI  
South Haven, MI  
South Bend, IN  
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Engineering  
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PREPARED FOR:  
**PETERSON RAVINE  
CITY OF SOUTH HAVEN  
VAN BUREN COUNTY, MI**  
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SCALE: 1"=150'
JOB #: 15-0644
SHEET 8 OF 8

March 4, 2016

Mr. Brian Dissette  
City Manager  
539 Phoenix Street  
South Haven, MI 49090

Mr. Larry Halberstadt, PE  
City Engineer  
1199 8<sup>th</sup> Avenue  
South Haven, MI 49090

Re: Recommendation for Contract Award  
Peterson Ravine Manhole Rehabilitation Project  
ACI Project No. 15-0644

Dear Mr. Dissette,

On February 19, 2016, we received three (3) bids for the Peterson Ravine Manhole Rehabilitation Project. All three bidders furnished the necessary bonding, and bidder qualification documents. We checked the bids for completeness and accuracy. A summary of the attached bid tabulation is provided below.

Bid Summary

<u>Prepared By:</u>	<u>Total Project Cost</u>
Engineer's Estimate	\$61,700.00
Culy Contracting, Inc. (Winchester, IN)	\$37,407.00
Compton, Inc. (South Haven, MI)	\$49,450.00
R&A Environmental Rehab, Inc. (Clare, MI)	\$59,800.00

All three bids were below the engineer's estimate. The differential between Culy Contracting, Inc. and Compton, Inc. is greater than the local preference thresholds (5% or \$5,000 max.).

Following confirmation of the bids, we requested supplemental information related to the experience, subcontractors, and suppliers from the two low bidders. Only Culy Contracting, Inc. responded to this request, furnishing the attached documentation. We received consistently positive feedback from their references for cost, timeliness, quality, and resolution of punchlist issues. We found that they have performed previous work in Novi, MI and were responsive completing their work at a similar distance from their home office.

Abonmarche recommends award of the Base Bid to the low bidder, Culy Contracting, Inc. of Winchester, IN in the amount of \$37,407.00.

Sincerely,

ABONMARCHE

Daniel A. Dombos II, P.E.  
Senior Project Engineer

DAD

Attachments: Bid Tabulation

cc: Christopher J. Cook, PE Abonmarche  
Timothy R. Drews, PE Abonmarche



Owner: City of South Haven  
 Project Name: Peterson Ravine Manhole Rehabilitation Project  
 Project Number: 15-0644  
 Alt. Agency: N/A  
 Date and Time: February 19th, 2016 , 1:30 pm

Legend:

Low Bidder
Correction

# Bid Tabulation

## Base Bid

Item	Unit	Estimated Quantity	Engineer's Estimate		Culy Contracting		Compton, Inc.		R&A Environmental Rehab	
			Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
1 Mobilization, Max \$5,000	Lump Sum	1.00	\$ 5,000.00	\$ 5,000.00	\$ 4,000.00	\$ 4,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
2 Temporary Traffic Control	Lump Sum	1.00	\$ 3,500.00	\$ 3,500.00	\$ 1,000.00	\$ 1,000.00	\$ 750.00	\$ 750.00	\$ 2,000.00	\$ 2,000.00
3 Silt Fence	Ft	350.00	\$ 10.00	\$ 3,500.00	\$ 3.00	\$ 1,050.00	\$ 4.00	\$ 1,400.00	\$ 10.00	\$ 3,500.00
4 Topsoil, 3 inch	Syd	100.00	\$ 15.00	\$ 1,500.00	\$ 5.00	\$ 500.00	\$ 10.00	\$ 1,000.00	\$ 45.00	\$ 4,500.00
5 Seed & Fertilizer	Syd	100.00	\$ 8.25	\$ 825.00	\$ 1.00	\$ 100.00	\$ 3.00	\$ 300.00	\$ 35.00	\$ 3,500.00
6 Erosion Fabric, S75BN	Syd	100.00	\$ 10.00	\$ 1,000.00	\$ 1.00	\$ 100.00	\$ 6.00	\$ 600.00	\$ 45.00	\$ 4,500.00
7 Manhole Interior Cleaning, Sanitary, 48 inch dia.	Ea	2.00	\$ 2,750.00	\$ 5,500.00	\$ 550.00	\$ 1,100.00	\$ 500.00	\$ 1,000.00	\$ 750.00	\$ 1,500.00
8 Manhole Lining, Composite, Sanitary, 48 inch dia.	Ea	1.00	\$ 8,500.00	\$ 8,500.00	\$ 5,907.00	\$ 5,907.00	\$ 12,500.00	\$ 12,500.00	\$ 8,000.00	\$ 8,000.00
9 Manhole Rehabilitation, Grout Sealing, Interior	Ea	2.00	\$ 1,250.00	\$ 2,500.00	\$ 200.00	\$ 400.00	\$ 1,500.00	\$ 3,000.00	\$ 2,000.00	\$ 4,000.00
10 Sanitary Manhole, Chimney Seal, External	Ea	7.00	\$ 2,000.00	\$ 14,000.00	\$ 1,300.00	\$ 9,100.00	\$ 950.00	\$ 6,650.00	\$ 450.00	\$ 3,150.00
11 Structure Cover, 1040APT	Ea	7.00	\$ 800.00	\$ 5,600.00	\$ 900.00	\$ 6,300.00	\$ 600.00	\$ 4,200.00	\$ 1,500.00	\$ 10,500.00
12 Structure Cover, Casting Insert	Ea	9.00	\$ 325.00	\$ 2,925.00	\$ 250.00	\$ 2,250.00	\$ 500.00	\$ 4,500.00	\$ 450.00	\$ 4,050.00
13 Structure Adjust, Case 2	Ea	7.00	\$ 800.00	\$ 5,600.00	\$ 700.00	\$ 4,900.00	\$ 600.00	\$ 4,200.00	\$ 450.00	\$ 3,150.00
14 Structure Adjust, Additional Depth	Ea	4.00	\$ 350.00	\$ 1,400.00	\$ 75.00	\$ 300.00	\$ 1,000.00	\$ 4,000.00	\$ 450.00	\$ 1,800.00
15 Cleanout Riser Cover	Ea	1.00	\$ 350.00	\$ 350.00	\$ 400.00	\$ 400.00	\$ 350.00	\$ 350.00	\$ 650.00	\$ 650.00
<b>Total: Base Bid</b>			\$ 61,700.00		\$ 37,407.00		\$ 49,450.00		\$ 59,800.00	
<b>Bid Statistics</b>			% of Estimate	100.00%	% of Estimate	60.63%	% of Estimate	80.15%	% of Estimate	96.92%
			% of Low Bid	164.94%	% of Low Bid	100.00%	% of Low Bid	132.19%	% of Low Bid	159.86%



### **Supervisors Experience**

Sam Hunt – 9yrs experience

Ty Weaver – 7yrs experience

Stephen Tompkins – 4yrs experience

Ryan Phenis – 5yrs experience

### **Experience**

Culy Contracting is a certified applicator of Mainstay, effectively applying the Mainstay Composite Liner system for 9 years

Culy Contracting employees are regular full-time employees who travel throughout the country to perform the manhole rehabilitation work. These individuals have been employed with Culy for a number of years and have received the specialized training and acquired the necessary skills to perform the manhole rehabilitation work. The work that is required on this project require years of training and experience to properly install. (See attached certification)

### **Sub-contractors**

Culy Contracting will not require Sub-contractors for this project.

### **Supplier List**

Utility Supply Co. 6310 South Harding St. Indianapolis, IN

Erich Nugent – 800-662-0829



## **Similar Projects**

- 1.) Avon, IN.                      Manhole Rehab ML-72, DS-5 and 806  
Gary Padgett    317-491-3593
  
- 2.) Clay Regional Waste District                      Carmel, IN.  
    Manhole Rehab ML-72, DS-5, 806 and Casting Replacements  
Joe Hood        317-997-8650
  
- 3.) Danville, IN.                Manhole Rehab ML-72, DS-5, 806 and Casting Replacements  
Jerry Crisp     317-292-4084
  
- 4.) Ft. Wayne, IN.                Manhole Rehab ML-72, DS-5, Casting Replacements and  
    806  
Dan Smith     260-427-5155
  
- 5.) Novi, MI.                      Manhole Rehab ML-72, Casting Replacements, Manhole  
    Encapsulation System (Wrapidseal)  
John Becht    248-762-0354





## **Certified Applicator Certificate**

*By completing a comprehensive training program and demonstrating the ability to safely and effectively apply the Mainstay Composite Liner restoration and corrosion barrier system,*

## **Culy Contracting**

*Has attained the designation of*

## **Mainstay Composite Liner Certified Applicator**

*Valid January 1, 2016 - December 31, 2016*

**Madewell Products Corporation**

  
Jon Steele, President

1/8/2016  
Date Issued





February 23, 2016

Subject: Peterson Ravine Manhole Rehabilitation Project

To Whom It May Concern:

We here at Madewell Products believe that our Mainstay Composite Liner is equal to and exceeds the current approved products. Our Mainstay Composite Liner consists of an underlayment coat of restoration mortar called Mainstay ML-72, which exceeds 10,000 psi compression strength upon cure. After the mortar has been applied and finished, it is immediately topcoated with Mainstay DS-5 100% Solids Epoxy Coating to provide a corrosion barrier against hydrogen sulfide and other corrosive gases. The two products cure together, ensuring a strong bond between materials and providing a continuous surface free of pinholes and voids. Once the epoxy has cured, the contractor will come back and install a flexible epoxy chimney seal called Madewell 806 to seal the joint between the top of the manhole and the ring and cover.

Mainstay ML-72 mortar is used to increase structural stability of the manhole, fill in any bug holes in the concrete, joints, and pipe connections, as well as cover any bricks. This again will give you structural strength and prevent any off gassing of concrete, which in turn allows the Mainstay DS-5 epoxy to strongly adhere to the mortar underlayment. The mortar, epoxy, and the chimney seal are what make up the Mainstay Composite Liner. We recommend a half inch of mortar and 125 mils of epoxy for most applications.

Sincerely,

Craig Closser, Mainstay Sales & Account  
Manager



# City of South

## Department of Public Works

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

### MEMORANDUM

**To:** Brian Dissette, City Manager  
Roger Huff, PE, DPW Director  
Deb Davidson, DDA Director

**From:** Larry Halberstadt, PE, City Engineer

**Date:** March 29, 2016

**Subject:** Traffic Signal Replacement at Broadway & Phoenix Streets

### Background Information

Over the past several years, the Michigan Department of Transportation (MDOT) has been working on plans to replace the traffic signals along BR-196 in the city limits. One signal is located at the intersection of Aylworth Avenue and LeGrange Street and the other is located at the intersection of Phoenix and Broadway Streets.

MDOT's typical construction for new traffic signals utilizes a "box span" arrangement. Galvanized steel strain poles are placed at each corner of the intersection and span wires are run between all poles. Signal heads hang from the span wires extended across the roadways. The general appearance of a typical MDOT traffic signal can be seen at the intersection of Phoenix Street and Blue Star Highway.

The intersection of Phoenix and Broadway Streets serves as the entrance to the downtown area. As a result, the Downtown Development Authority and others in the community have expressed interest in the configuration and style of the proposed traffic signal. As a result of these discussions, the City has expressed an interest in partnering with MDOT to upgrade the traffic signal at Phoenix and Broadway Streets to provide an improved appearance. The proposed upgrades would include powder coating the strain poles black, using black housings for the pedestrian signals, deleting the span wires, and using black powder coated steel mast arms to support the overhead traffic signal heads. The proposed project will retain dedicated left turn signals and will also replace/relocate the traffic signal controller and install new wireless actuation sensors in the pavement. The proposed upgrades will result in a traffic signal that is similar in appearance to the City owned traffic signals at Phoenix/Center Streets and Phoenix/Kalamazoo Streets.

MDOT has agreed to include these upgrades in the contract provided that the City enters into a cost sharing agreement for the additional cost of the upgrades. MDOT has prepared the contract and estimates that the cost of the upgrades will be \$78,900. Funding for the traffic signal upgrades is anticipated to be paid for by the Downtown Development Authority. The upgrade to mast arms will also require periodic inspections that will be a future maintenance cost for the City.

## Memorandum

March 29, 2016

Broadway & Phoenix Streets Traffic Signal

Page 2 of 3

Last spring, the City participated in a similar project with Meijer to upgrade the new traffic signal on Phoenix Street at the Meijer entrance driveway. The City's cost share for that project was \$86,120.00.



*Existing Traffic Signal at Blue Star Highway and Phoenix Street*

At the present time, staff is currently discussing the possibility of providing similar upgrades for the Aylworth Avenue and LeGrange Street traffic signal. Additional funds would need to be allocated to provide similar upgrades at this intersection. A meeting with MDOT is planned for April 25 to discuss these changes in more detail. If a decision is made to upgrade that signal, an additional or modified cost sharing agreement will be required.

**Memorandum**

March 29, 2016

Broadway & Phoenix Streets Traffic Signal

Page 3 of 3



*Existing Traffic Signal at Phoenix and Center Streets*

**Recommendation**

City Council should review the proposed upgrades at their regular meeting scheduled for April 11, 2016. If they desire to see the upgrades at Phoenix and Broadway Streets, then they should authorize the City Manager to execute MDOT contract 16-5080.

**Attachments**

MDOT Contract 16-5080

SPECIAL TRUNKLINE  
NON-ACT-51  
ADDED WORK

DA  
Control Section STG 84925  
Job Number 117739A; 117739C  
Fed Item # JJ 5489; JJ 4887  
Fed Project # STPG 1684(103);  
STPG 1384(025)  
Contract 16-5080

THIS CONTRACT is made and entered into this date of April 13, 2015, by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the CITY OF SOUTH HAVEN, a Michigan municipal corporation, hereinafter referred to as the "CITY"; for the purpose of fixing the rights and obligations of the parties in agreeing to construction improvements in conjunction with the DEPARTMENT'S construction at various intersections, within the corporate limits of the CITY.

WITNESSETH:

WHEREAS, the DEPARTMENT is planning traffic signal modernization at various locations within the corporate limits of the CITY; and

WHEREAS, the CITY has requested additional work in connection with the signal modernization work, which additional work is hereinafter referred to as the "PROJECT" and is located and described as follows:

Traffic signal mast arm installation, illuminated street sign and signal painting work at the intersection of Highway I-196 BL (Phoenix Street) and Highway I-196 BL (Broadway Avenue) including work required for the placement of mast arm signals in excess of the work required to install standard strain wire signals; together with necessary related work, located within the corporate limits of the CITY; and

WHEREAS, the DEPARTMENT presently estimates the PROJECT COST as hereinafter defined in Section 1 to be: \$78,900; and

WHEREAS, the parties hereto have reached an understanding with each other regarding the performance of the PROJECT work and desire to set forth this understanding in the form of a written agreement.

NOW, THEREFORE, in consideration of the premises and of the mutual undertakings of the parties and in conformity with applicable law, it is agreed:

1. The parties shall undertake and complete the construction of the PROJECT in accordance with this contract. The term "PROJECT COST", as herein used, is hereby defined as

the cost of the construction of the PROJECT including the costs of preliminary engineering (PE), plans and specifications; physical construction necessary for the completion of the PROJECT as determined by the DEPARTMENT; and construction engineering (CE), and any and all other expenses in connection with any of the above.

2. The cost of alteration, reconstruction and relocation, including plans thereof, of certain publicly owned facilities and utilities which may be required for the construction of the PROJECT, shall be included in the PROJECT COST; provided, however, that any part of such cost determined by the DEPARTMENT, prior to the commencement of the work, to constitute a betterment to such facility or utility, shall be borne wholly by the owner thereof.

3. The CITY will approve the design intent of the PROJECT and shall accept full responsibility for the constructed PROJECT functioning as a part of the CITY'S facilities. The CITY is solely responsible for any input which it provides as it relates to the design of the PROJECT functioning as part of the CITY'S facilities.

4. The DEPARTMENT will administer all phases of the PROJECT and will cause to be performed all the PROJECT work.

Any items of PROJECT COST incurred by the DEPARTMENT may be charged to the PROJECT.

5. The PROJECT COST shall be charged to the CITY 100 percent and paid in the manner and at the times hereinafter set forth. Such cost is estimated to be as follows:

PROJECT COST - \$78,900

The PE costs will be apportioned in the same ratio as the actual construction award and the CE costs will be apportioned in the same ratio as the actual direct construction costs.

6. The DEPARTMENT shall maintain and keep accurate records and accounts relative to the cost of the PROJECT. The DEPARTMENT may submit progress billings to the CITY on a monthly basis for the CITY'S share of the cost of work performed to date, less all payments previously made by the CITY. No monthly billings of a lesser amount than \$1,000 shall be made unless it is a final or end of fiscal year billing. All billings will be labeled either "Progress Bill Number \_\_\_\_\_", or "Final Billing". Payment is due within 30 days of receipt of invoice. Upon completion of the PROJECT, payment of all items of PROJECT COST and receipt of all Federal Aid, the DEPARTMENT shall make a final billing and accounting to the CITY.

7. Pursuant to the authority granted by law, the CITY hereby irrevocably pledges a sufficient amount of funds received by it from the Michigan Transportation Fund to meet its obligations as specified herein. If the CITY shall fail to make any of its required payments when due, as specified herein, the DEPARTMENT shall immediately notify the CITY of the fact of

such default and the amount thereof, and, if such default is not cured by payment within ten (10) days of notification, the DEPARTMENT is then authorized and directed to withhold from the first of such monies thereafter allocated by law to the CITY from the Michigan Transportation Fund sufficient monies to remove the default, and to credit the CITY with payment thereof, and to notify the CITY in writing of such fact.

The CITY will deposit with the DEPARTMENT the following amount which will be used by the DEPARTMENT for working capital for the contracted work and costs incurred by the DEPARTMENT in connection with the PROJECT:

DEPOSIT - \$31,600

The total deposit will be billed to the CITY by the DEPARTMENT and shall be paid by the CITY within thirty (30) days after receipt of bids for the PROJECT.

8. Upon completion of construction, the facilities being constructed as the PROJECT shall be operated and maintained by the CITY at no cost to the DEPARTMENT.

9. Any and all approvals of, reviews of, and recommendations regarding contracts, agreements, permits, plans, specifications, or documents, of any nature, or any inspections of work by the DEPARTMENT pursuant to the terms of this contract are done to assist the CITY. Such approvals, reviews, inspections and recommendations by the DEPARTMENT shall not relieve the CITY of its ultimate control and shall not be construed as a warranty of their propriety or that the DEPARTMENT is assuming any liability, control or jurisdiction.

The providing of recommendations or advice by the DEPARTMENT does not relieve the CITY of its exclusive jurisdiction of the highway and responsibility under MCL 691.1402 et seq., as amended.

When providing approvals, reviews and recommendations under this contract, the DEPARTMENT is performing a governmental function, as that term is defined in MCL 691.1401 et seq., as amended, which is incidental to the completion of the PROJECT.

The DEPARTMENT, by executing this contract, and rendering services pursuant to this contract, has not and does not assume jurisdiction of the highway, described as the PROJECT for purposes of MCL 691.1402 et seq., as amended. Exclusive jurisdiction of such highway for the purposes of MCL 691.1402 et seq., as amended rests with the CITY.

10. In connection with the performance of PROJECT work under this contract the parties hereto (hereinafter in Appendix "A" referred to as the "contractor") agree to comply with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts", as set forth in Appendix A, attached hereto and made a part hereof. The parties further covenant that they will comply with the Civil Rights Acts of 1964, being P.L. 88-352, 78 Stat. 241, as amended, being Title 42 U.S.C. Sections 1971, 1975a-1975d, and 2000a-2000h-6 and the

Regulations of the United States Department of Transportation (49 C.F.R. Part 21) issued pursuant to said Act, including Appendix "B", attached hereto and made a part hereof, and will require similar covenants on the part of any contractor or subcontractor employed in the performance of this contract. The parties will carry out the applicable requirements of the DEPARTMENT'S Disadvantaged Business Enterprise (DBE) program and 49 CFR, Part 26, including, but not limited to, those requirements set forth in Appendix C.

11. This contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the CITY and for the DEPARTMENT; upon the adoption of a resolution approving said contract and authorizing the signatures thereto of the respective officials of the CITY, a certified copy of which resolution shall be attached to this contract.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed the day and year first above written.

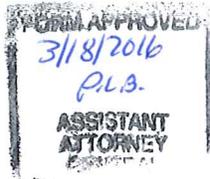
CITY OF SOUTH HAVEN

MICHIGAN DEPARTMENT  
OF TRANSPORTATION

By \_\_\_\_\_  
Title:

By \_\_\_\_\_  
Department Director MDOT

By \_\_\_\_\_  
Title:



RDS  
3/16/16

APPROVED BY:

*Scott Seane*  
For MDOT Administrator  
DeLong Real Estate

3/21/16  
Date

**APPENDIX A**  
**PROHIBITION OF DISCRIMINATION IN STATE CONTRACTS**

In connection with the performance of work under this contract; the contractor agrees as follows:

1. In accordance with Public Act 453 of 1976 (Elliott-Larsen Civil Rights Act), the contractor shall not discriminate against an employee or applicant for employment with respect to hire, tenure, treatment, terms, conditions, or privileges of employment or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight, or marital status. A breach of this covenant will be regarded as a material breach of this contract. Further, in accordance with Public Act 220 of 1976 (Persons with Disabilities Civil Rights Act), as amended by Public Act 478 of 1980, the contractor shall not discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment or a matter directly or indirectly related to employment because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. A breach of the above covenants will be regarded as a material breach of this contract.
2. The contractor hereby agrees that any and all subcontracts to this contract, whereby a portion of the work set forth in this contract is to be performed, shall contain a covenant the same as hereinabove set forth in Section 1 of this Appendix.
3. The contractor will take affirmative action to ensure that applicants for employment and employees are treated without regard to their race, color, religion, national origin, age, sex, height, weight, marital status, or any disability that is unrelated to the individual's ability to perform the duties of a particular job or position. Such action shall include, but not be limited to, the following: employment; treatment; upgrading; demotion or transfer; recruitment; advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
4. The contractor shall, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, age, sex, height, weight, marital status, or disability that is unrelated to the individual's ability to perform the duties of a particular job or position.
5. The contractor or its collective bargaining representative shall send to each labor union or representative of workers with which the contractor has a collective bargaining agreement or other contract or understanding a notice advising such labor union or workers' representative of the contractor's commitments under this Appendix.
6. The contractor shall comply with all relevant published rules, regulations, directives, and orders of the Michigan Civil Rights Commission that may be in effect prior to the taking of bids for any individual state project.

7. The contractor shall furnish and file compliance reports within such time and upon such forms as provided by the Michigan Civil Rights Commission; said forms may also elicit information as to the practices, policies, program, and employment statistics of each subcontractor, as well as the contractor itself, and said contractor shall permit access to the contractor's books, records, and accounts by the Michigan Civil Rights Commission and/or its agent for the purposes of investigation to ascertain compliance under this contract and relevant rules, regulations, and orders of the Michigan Civil Rights Commission.
8. In the event that the Michigan Civil Rights Commission finds, after a hearing held pursuant to its rules, that a contractor has not complied with the contractual obligations under this contract, the Michigan Civil Rights Commission may, as a part of its order based upon such findings, certify said findings to the State Administrative Board of the State of Michigan, which State Administrative Board may order the cancellation of the contract found to have been violated and/or declare the contractor ineligible for future contracts with the state and its political and civil subdivisions, departments, and officers, including the governing boards of institutions of higher education, until the contractor complies with said order of the Michigan Civil Rights Commission. Notice of said declaration of future ineligibility may be given to any or all of the persons with whom the contractor is declared ineligible to contract as a contracting party in future contracts. In any case before the Michigan Civil Rights Commission in which cancellation of an existing contract is a possibility, the contracting agency shall be notified of such possible remedy and shall be given the option by the Michigan Civil Rights Commission to participate in such proceedings.
9. The contractor shall include or incorporate by reference, the provisions of the foregoing paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Michigan Civil Rights Commission; all subcontracts and purchase orders will also state that said provisions will be binding upon each subcontractor or supplier.

Revised June 2011

**APPENDIX B  
TITLE VI ASSURANCE**

During the performance of this contract, the contractor, for itself, its assignees, and its successors in interest (hereinafter referred to as the "contractor"), agrees as follows:

1. **Compliance with Regulations:** For all federally assisted programs, the contractor shall comply with the nondiscrimination regulations set forth in 49 CFR Part 21, as may be amended from time to time (hereinafter referred to as the Regulations). Such Regulations are incorporated herein by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed under the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection, retention, and treatment of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices, when the contractor covers a program set forth in Appendix B of the Regulations.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment:** All solicitations made by the contractor, either by competitive bidding or by negotiation for subcontract work, including procurement of materials or leases of equipment, must include a notification to each potential subcontractor or supplier of the contractor's obligations under the contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources of information, and facilities as may be determined to be pertinent by the Department or the United States Department of Transportation (USDOT) in order to ascertain compliance with such Regulations or directives. If required information concerning the contractor is in the exclusive possession of another who fails or refuses to furnish the required information, the contractor shall certify to the Department or the USDOT, as appropriate, and shall set forth the efforts that it made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Department shall impose such contract sanctions as it or the USDOT may determine to be appropriate, including, but not limited to, the following:
  - a. Withholding payments to the contractor until the contractor complies; and/or
  - b. Canceling, terminating, or suspending the contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor shall include the provisions of Sections (1) through (6) in every subcontract, including procurement of material and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Department or the USDOT may direct as a means of enforcing such provisions, including sanctions for non-compliance, provided, however, that in the event a contractor becomes involved in or is threatened with litigation from a subcontractor or supplier as a result of such direction, the contractor may request the Department to enter into such litigation to protect the interests of the state. In addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Revised June 2011

## APPENDIX C

### TO BE INCLUDED IN ALL FINANCIAL ASSISTANCE AGREEMENTS WITH LOCAL AGENCIES

#### Assurance that Recipients and Contractors Must Make (Excerpts from US DOT Regulation 49 CFR 26.13)

- A. Each financial assistance agreement signed with a DOT operating administration (or a primary recipient) must include the following assurance:

The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any US DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of US DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR Part 26 and as approved by US DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

- B. Each contract MDOT signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of US DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.



# City of South

## Department of Public Works

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

### MEMORANDUM

**TO:** Brian Dissette, City Manager  
Barbara Rose, Covert Township Supervisor

**FROM:** Larry Halberstadt, PE, City Engineer

**DATE:** March 29, 2016

**RE:** Covert Township Water Tower Painting

### Background Information

The City of South Haven operates a Type I Community Public Water Supply for customers located in Covert Township, Michigan. The water supply system was originally constructed by the township in the early 2000s and water was purchased wholesale for distribution to township residents. On September 1, 2008, the City and Covert Township entered into a Capacity and Replacement Rate Contract. This contract modified the relationship between the two parties and permitted the City to move forward with construction of the new Water Filtration Plant.

Section 5.D. of the Capacity and Replacement Rate Contract requires that the City set rates for all users based on the projected costs of operation, maintenance, repair and replacement (OMR &R). The City is responsible for OMR & R expenses as operator of the distribution system. Covert Township remains responsible to pay for expansion or replacement of pipes within the Covert Water System. The current rate structure includes Ready to Serve and Capital Replacement fees that are billed to all customers on a monthly basis. These fees are assessed at a fixed amount per month based on the size of water meter. During the 2014-15 fiscal year, the City collected \$72,334 in Ready to Serve fees and \$20,602 in Capital Replacement Fees.

In order to serve customers in Covert Township and the south area of South Haven Charter Township, a high pressure service district was constructed. This includes a booster pump station and a 200,000 gallon water tower located in Covert Township, on property owned by the school district. The water tower is constructed of welded, plain carbon steel plates. In order to keep this type of water tower in good condition, the steel is media blasted to remove all rust and a multilayer coating system is applied to both sides of the steel at the time of construction. In order to keep the tower in a good state of repair, coatings must be refreshed on a periodic basis to prevent deterioration of the steel.

In 2012, the exterior of the water tower was recoated at the expense of \$59,473.00. This expenses incurred include \$9,774 for engineering, bidding, and inspection fees plus \$49,699.00 for contractual services to the painting contractor. At the time that the work was performed, Covert Township paid for the services noted.

**Memorandum**

March 29, 2016

Covert Township Water Tower Painting

Page 2 of 2

After further review of the Capacity and Replacement Rate Contract, it appears that these expenses should have been paid for by the City as part of routine utility operations. Covert Township has agreed to accept reimbursement over a three year period in roughly equal payments.

**Recommendation**

City Council should be requested to approve the Agreement and Mutual Release at their April 11, 2016 regular meeting. Upon approval of the agreement, the City will make the first annual installment payment to Covert Township.

**Attachments**

Covert Capacity & Replacement Rate Contract  
Agreement and Mutual Release

**AGREEMENT AND MUTUAL RELEASE**

This Agreement is made as of April 1, 2016, by the City of South Haven, a Michigan municipal corporation, and Covert Township, a Michigan general law township.

**RECITALS**

- A. The City of South Haven provides water services to premises in the City and some areas of surrounding communities, including portions of Covert Township, and is responsible for the billing and collections from customers it serves in Covert Township.
- B. Concerns have arisen over the billing, collection, use of maintenance fees from Covert Township customers, particularly whether or not the revenue generated from those fees was required to be expended on maintenance of the water tower located in and owned by the Township.

**TERMS AND CONDITIONS**

To resolve Covert Township's concerns, the parties agree as follows:

1. The City of South Haven shall pay to Covert Township \$59,473.00, in two equal annual installments of \$19,824.33 on April 1, 2016, and on April 1, 2017, with a third installment of \$19,824.34 to be paid April 1, 2018. This amount constitutes reimbursement to the Township for maintenance and painting of the Covert Township water tower completed in 2012.
2. Covert Township releases and discharges the City, its representatives, successors, assigns, employees, council members, officers, and agents from all liability, actions, causes of action, and claims and demands, known or unknown, for damages arising out of or in any way pertaining or connected to the amounts the City charged or collected from Township customers for water service the City's expenditures of water service revenues, or for any amounts the City may or may not have paid toward the maintenance of water service facilities in Covert Township up to the date of this Agreement.
3. This Agreement constitutes the entire agreement between the parties regarding its subject matter. It shall be binding upon and inure to the benefit of the parties and their respective representatives, successors, assigns, employees, council members, board members, officers, and agents. It may be modified or amended only upon written agreement approved by their respective governing bodies.
4. The Parties agree to execute and deliver all documents necessary to effectuate the terms of this Agreement.
5. By signing this Agreement on behalf of the City and Covert Township, the signing officers represent that they have been authorized to do so by resolution of their respective governing bodies.

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

**CITY OF SOUTH HAVEN**

**COVERT TOWNSHIP**

By: \_\_\_\_\_  
Robert Burr, Mayor

By: Barbara J. Rose  
Barbara J. Rose, Supervisor

By: \_\_\_\_\_  
Amanda Morgan, Clerk

By: Dennis C. Palgen  
Dennis C. Palgen, Clerk

Date signed: \_\_\_\_\_, 2016

Date signed: 3-16, 2016

## CAPACITY AND REPLACEMENT RATE CONTRACT

This Capacity and Replacement Rate Contract is made as of September 1, 2008, between the Township of Covert, a Michigan general law township, located in Van Buren County, the principal business address of which is 73943 Lake Street, Covert, MI 49043 (“**Covert**”), and the City of South Haven, a Michigan home-rule city, located in Van Buren and Allegan Counties, the principal business address of which is 539 Phoenix St., South Haven, MI 49090-1499 (the “**City**”).

### RECITALS

- A. The parties to this Contract are also parties to the Water Service Contract dated March 13, 1997, pursuant to which the City provides public water services to Covert (the “**Water Service Contract**”).
- B. The parties now understand, based on letters from the Michigan Department of Environmental Quality and information provided by the civil engineering firm of Fishbeck Thompson Carr & Huber (“**FTC&H**”), that the City’s water treatment facilities need to be improved (i) to replace portions of those facilities that are approaching the end of their useful lives (“**replacement**”), and (ii) because peak usage is too close to exceeding the capacity of those facilities (“**capacity**”).
- C. The Water Service Contract provides Covert with certain rights and limits related to capacity in the City’s water intake, water treatment, water storage, and water transmission facilities (the “**City Water System**”), which is separate from the water distribution systems that is owned and operated by Covert for distributing water to the users/consumers within its jurisdiction.
- D. The Water Service Contract, as amended on September 8, 1998, states that Covert shall be a wholesale water customer of the City, and that water use for Covert shall be metered at the Township line.
- E. The City has represented and agreed that it needs additional treatment capacity and has imposed an additional connection fee (initially set at \$3,022 to increase each year at the rate of inflation, but subject to change depending on subsequent cost figures) in order to help pay for the added capacity.
- F. The parties wish to clarify and resolve capacity issues to:
- (i) Better ensure adequate water capacity is available to all the parties and to others in the community;
  - (ii) More efficiently use available capacity rather than reserving it for future use;
  - (iii) Provide that new development pays for the City Water System’s water treatment facility expansion now being designed to serve it, as well as reasonably anticipated expansions to the City Water System’s intake, storage and transmission facilities which will also serve that new development; and
  - (iv) Enhance open and cooperative intergovernmental relations among the parties and with other governmental units in the region.
- G. The parties wish to continue the study of the situation and, despite the rights and procedures set forth in the Water Service Contract, they have agreed, without waiving any of their rights under the aforementioned agreements, that it makes sense to use a single civil engineering firm for the study and design of the City Water System’s treatment facilities improvements.
- H. The parties also agree that they jointly have a responsibility to address the replacement and that, to do so, it makes sense to impose a rate increase to offset the costs of studying and designing the needed improvements to the treatment facilities and to begin setting aside funds needed for those improvements

so as to decrease the amount they will need to borrow and the interest they will have to pay related to that borrowing to finance the costs of those improvements.

I. The parties want to end Covert's status as a wholesale water customer of the City and to have each water user in Covert be a retail water customer of the City on the same terms as City residents are retail water customers of the City.

### TERMS AND CONDITIONS

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

1. Acknowledgement and Waiver. Covert acknowledges that it has been notified by the City in writing and has had and continues to have the opportunity to consider and give input regarding its future water needs as provided in subsection 8(F) of the Water Service Contract, and that no further notice is needed by the City to comply with the notice provisions in that subsection.

2. Capacity Buy-Back. The parties understand that the provisions in the Water Service Contract providing for Covert's ownership of capacity in the City Water System has made questions about expansion open to interpretation and believe it is best to agree upon a solution that provides certainty. The parties also agree that it would be preferable for all parties to have access to the available capacity in the City Water System while providing for a mechanism for new users to pay the costs of expansions to the City Water System components needed to accommodate them or to provide additional peak capacity as needed. The parties agree that with the City's payment to Covert of the amount of \$160,053 as a payment to repurchase from Covert any remaining unused capacity rights it may have, Covert will not have any further interest in the capacity of the City Water System. This buy-back amount was determined as detailed on the attached Exhibit A. Notwithstanding the foregoing, the City agrees to continue to permit connections from Covert to the City Water System in the same manner and on the same terms as it permits connections from within the City limits, it being the intention of the parties to continue to work together to provide public water service to users inside and outside the City limits, but to provide a means to finance expansions to the Water System capacity through rates and fees paid by users.

3. Capacity Expansion Connection Fee.

A. Regardless of the provisions of, and despite the rights and procedures (including, without limitation, the rights to notices and opportunities to respond) set forth in the Water Service Contract, Covert shall impose upon the users in Covert of water supplied from the City's water treatment facilities a "**capacity expansion fee**" beginning September 1, 2008 equal to that charged by the City to the City's water users (initially set at \$3,022 per residential equivalent unit ("**REU**") to increase each year at the rate of inflation, but subject to change depending on subsequent cost figures).

(1) Every user of the system shall be charged a fee based on at least one REU based on a REU table the parties agree upon even if the REU for the particular use or structure is less than one.

(2) Metering may be required of commercial or industrial users for a period of at least three months to determine average daily flows. The metered flows (in gallons) shall be divided by the number of days metered, and that result shall be divided by 250 to determine the number of REU's.

(3) Changes in use, facility expansions, increases in employees, product lines or services, or other changes may result in a re-evaluation of the REU's.

B. The capacity expansion fee shall be used to pay FTC&H for the required studies and design documents needed for the water treatment facilities improvements and to pay a portion of the costs of those improvements (or the resulting debt) related only to those improvements needed to address the expansion of the water treatment capacity of the water treatment facilities, but not those improvements needed to address replacement.

C. The City shall place the capacity expansion fees it collects from its own users and that the other parties collect and turn over to the City in a separate account which will be used only for the purposes provided in subparagraph B above. The City shall annually, or more frequently if requested by the other parties, report on the collection of the capacity expansion fees, deposits into the account, the uses of funds from the account, and the balances of funds in that account. Such reports shall be consistent with generally accepted financial practices for Michigan local governments. Any party may review and, at its expense, engage auditors to review all of the records related to the capacity expansion fee.

4. Replacement Fee.

A. Regardless of the provisions of, and despite the rights and procedures (including, without limitation, the rights to notices and opportunities to respond) set forth in the Water Service Contract or any other agreements to which they are parties, the parties agree that they shall all impose upon the users of water supplied from the City's Water System a "**replacement fee**" beginning September 1, 2008 to be based on meter size as follows:

<u>Meter Size</u>	<u>Monthly Charge</u>
5/8"	\$5.90
3/4"	\$7.39
1"	\$8.87
1.25"	\$12.69
1.5"	\$16.52
2"	\$23.60
3"	\$41.30
4"	\$61.97
6"	\$97.36
8"	\$153.02

This initial replacement fee is based on the projected debt service related to the projected cost to construct a portion of the 7 million gallon per day high rate sedimentation plant, in accordance with "Alternative 1B" as described in section 5.4.2 on page 40 of the "City of South Haven Water Treatment Plant Reliability Study and Master Plan," dated March 22, 2007, prepared by FTC&H. After receiving construction bids for the project, the replacement fee may be adjusted to reflect the actual bid cost for the project.

B. The replacement fee shall be used to pay FTC&H for the required studies and design documents needed for the water treatment facilities improvements and to pay a portion of the costs of those improvements (or the resulting debt) related only to those improvements needed to address the replacement, but not those improvements needed to expand the capacity.

C. The City shall place the replacement fees it collects from users in a separate account which will be used only for the purposes provided in subparagraph B above. Users in the

townships will be billed replacement fees by the City in the same manner and at the same rates as are users inside the City. The City shall annually, or more frequently if requested by the other parties, report on the collection of the replacement fees, deposits into the account, the uses of funds from the account and the balances of funds in that account. Such reports shall be consistent with generally accepted financial practices for Michigan local governments. Any party may review and, at its expense, engage auditors to review all of the records related to the replacement fee.

5. Individual Water Service Customers.

A. All water users in Covert shall be, after August 1, 2008, retail customers of the City so their water use and charges for that use shall be handled according to this Section 5.

B. Covert shall have the right to add charges to billings to users in Covert to pay the costs incurred by Covert to improve, expand, or replace pipes and other facilities comprising the "Covert Water System" (*i.e.*, the "Township Water System" as defined in the Water Service Contract). Since Covert water users are retail customers of the City, the City shall be responsible for maintenance of the Cover Water System. Covert shall pay the City a collection fee of two percent (2%) of any added charges for added billing and handling costs, or such lesser amount as the City shall determine reasonably reflects its actual additional billing and collection costs. Determination shall be made at the time of the request.

C. All water users in Covert shall be billed monthly or quarterly (at the option of the City). Metered water use shall be used for billing purposes where water meters are provided. For non-metered customers, an estimate of the flow will be made based on 250 gpd per Residential Equivalent Unit (REU) in accordance with Schedule B. A standard table of REU's for different types of uses will be used for estimating flows to all non-metered customers, regardless of location. Provisions shall be made for measuring the flows periodically to check estimated flows. Any costs associated with the measurement of flow from an individual property will be charged to that property.

D. The City shall set rates for all users based on the projected costs of operation, maintenance, repair, and replacement (OMR & R). The OMR & R rates charged to users shall not include any differential based solely on a user's location/distance, except if unusual or abnormal circumstances exist in an area, then the rates charged to customers in that area shall be established at a level sufficient to cover the actual, projected costs of OMR & R for service therein. In the event of disagreement regarding rates the City of South Haven and Covert Township jointly select a consultant to prepare a rate analysis. If parties disagree with this analysis, the parties agree to resolve the dispute via arbitration in which each party will select a consultant. The two consultants shall select a third consultant who shall act as arbitrator. The arbitrator shall establish a review procedure and make a binding OMR & R rate determination. When arbitration is undertaken, the City shall pay one-half (1/2) of the costs of arbitration and the Township shall pay one-half (1/2) of said costs.

6. Reserved Rights. The parties all reserve their rights under the Water Service Contract to seek additional studies or their own engineers to review the studies undertaken by FTC&H.

7. Covert Appointee to City Board of Public Works. In order to assure regular access by Covert to information about City Water System operations one person chosen by Covert shall be appointed to serve as a non-voting ex officio member of the City's Board of Public Works.

8. Water Service Contract. Except with respect to the issues addressed in this Contract, all provisions of the Water Service Contract remain unchanged by this Contract.

9. Modification of Contract. This Contract cannot be modified or amended except in writing signed by all parties following resolutions of their governing bodies. Each party had the advice of legal counsel before entering into this Contract and agree it shall be interpreted as if mutually drafted.

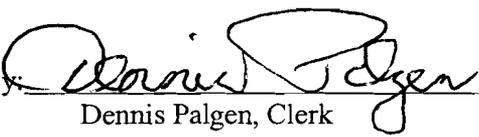
The parties have signed this Contract as of the date first written above.

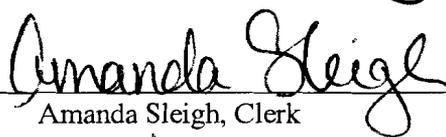
TOWNSHIP OF COVERT

CITY OF SOUTH HAVEN

By:   
Wayne Rendell, Supervisor

By:   
Dorothy Appleyard, Mayor

By:   
Dennis Palgen, Clerk

By:   
Amanda Sleight, Clerk

Date signed: 7-9, 2008

Date signed: 7/22, 2008

EXHIBIT A  
BUY-BACK COMPUTATION

Purchased Capacity - Avg Gal/Day		250,000	gal
Avg Covert Sales per day	2007	163,945	gal
Remaining Avg Gal/Day Capacity		86,055	gal
WFP Capital Costs			
	Total Estimate	\$15,740,910	
	Reduce intake stub	\$ (195,000)	
	Raw Water Pumping Station	<u>\$ (2,526,650)</u>	
	Total Capital Cost, plant only	\$13,019,260	
	Plant Rated Peak Capacity	7,000,000	gal
	\$/Gal to construct plant	\$ 1.86	
Township Remaining Peak Capacity	X	<u>86,055</u>	gal
<b>Value of Township Remaining Avg Gal/Day Capacity</b>		<b>\$ 160,053</b>	



# City of South Haven

## Dept. of Public Works

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

July 1, 2008

**Mr. Wayne Rendell**  
**Township Supervisor**  
**Covert Township Hall**  
**73943 Lake Street**  
**P.O. Box 35**  
**Covert, MI 49043-0035**

**Re: Supplement Letter of Understanding**

Dear Mr. Rendell:

Per our ongoing discussions and correspondence, this letter is intended to provide supplemental information to the proposed Capacity and Replacement Rate Contract for public water services. The following items are descriptions of the proposed agreements that the City of South Haven is currently considering as supplements to the rate contract. Please review the following items and determine whether these descriptions are acceptable and accurately reflect our conversation.

**Supplement to Capacity and Replacement Rate Contract**

1. Master Meter Credit. If the master meter is removed from the system, Covert shall be reimbursed for any sale or salvage value of the meter less the cost to remove said meter.
2. Raymar Meters. It is estimated that 150 water meters equipped with Raymar transponder units in Covert are not working correctly and need to be replaced. Covert shall be responsible for the cost of the new transponder units. The City of South Haven shall replace the units and bill Covert Township for the labor costs to replace said units. The total cost for the replacement and installation of these units is expected to not exceed \$8,000.
3. Valve Turning. Covert recognizes that valve turning is an important maintenance task for the water distribution system. To aid in this task, Covert shall pay for 50% of the cost of automated valve turning equipment. The estimated cost of this equipment is \$60,000.00.

In addition to the proposed rate contract supplements is the attached Capacity and Replacement Rate Contract, related to the water system, for your consideration. Please review the attached document. It is our intent to review this contract proposal at the upcoming July 21, 2008 regular meeting of the

City Council. If you find the proposed contract supplement items to be acceptable, please sign and return this document, to my attention, at your earliest convenience.

Thank you for your time and attention. If you have any questions and/or concerns, please feel free to contact me.

Best Regards,

A handwritten signature in black ink, appearing to read "B. Dissette". The signature is fluid and cursive, with a horizontal line underlining the first part of the name.

Brian Dissette  
Asst. City Manager, Public Works

Cc: K. Anderson

A handwritten signature in black ink, appearing to read "Wayne Rendell". The signature is cursive and written in a slightly slanted position.

Wayne Rendell  
Supervisor, Covert Township

A handwritten signature in black ink, appearing to read "Dorothy Appleyard". The signature is cursive and written in a slightly slanted position.

Dorothy Appleyard  
Mayor, City of South Haven

# 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 nor 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

# Board of Public Utilities

## Regular Meeting Minutes

Monday, January 25, 2016  
4:00 p.m., DPW Conference Room  
1199 8<sup>th</sup> Avenue



City of South Haven

### 1. Call to Order by Stickland at 4:00 p.m.

### 2. Roll Call

Present: Burr, Henry, Overhiser, Roberts, Stein, Winkel, Stickland

Absent: Rose

### 3. Approval of Agenda

Motion by Henry, second by Roberts to approve the January 25, 2016 Regular Meeting

Agenda as presented.

All in favor. Motion carried.

### 4. Approval of Minutes for the Record

A. November 30, 2015 Regular Meeting Minutes

B. December 21, 2015 Special Meeting Minutes

Motion by Henry, second by Burr to approve the November 30, 2015 Regular Meeting Minutes and the December 21, 2015 Special Meeting Minutes as written.

All in favor. Motion carried.

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

None at this time.

## REPORTS

### 6. Cost of Energy from Indiana-Michigan Power Company (AEP)

A. 2015 Billings – All Charges

B. 2014 Billings – All Charges

Burr noted the price increase was 3.24% from the last year which was covered by the last rate increase. Consumption went down by 1%.

## 7. Financial Reports

- A. Electric Fund Project Status
- B. Electric Fund – Financial Statement
- C. Electric Fund – Cashflow Statement
- D. Electric Fund – Review of Percentage Billed

Hochstedler referred to the electric fund projects, noting that she does not have a figure for the Core City Secondary. Halberstadt needs to get that figure to her.

Burr asked if we could start with Depreciation for the calendar year. Discussion ensued regarding whether our depreciation equaled our capital investment.

Halberstadt explained how he puts projects into the budget. Hochstedler explained budget setting and the 5-year plan, suggesting certain projects could be identified with their estimated cost and the remaining amount put up to depreciation as unidentified. Stickland said at budget time we can look at what we have gotten done and put what we have not done into the next year's budget. Burr would like to know if we are facing a year with a loss.

Halberstadt said he thinks there are two more years with projects in the 5-year plan. Discussion ensued regarding upcoming projects. Halberstadt will get the information to Hochstedler for future planning. Burr requested a reality check so the board knows where we are.

Halberstadt updated the board on Phases 3 and 4, noting that engineering is currently being done.

Henry asked who does the 5-year planning to which Halberstadt responded that it is contracted out with staff input. Discussion ensued regarding whether the city will be using GRP for future projects. In response to a question by Henry, Halberstadt said he hasn't had any real problem with them, but they are a small firm and sometimes it takes them a while to get a project ready to go out for bid. Discussion ensued regarding the level of detail being lacking in Phases 1 & 2. There were some adjustments that had to be made, according to Halberstadt. There were overages because tree-trimming and other things were not included in the project. Discussion ensued regarding whether it is necessary to prod GRP; about Kent Power being the low bidder recently and that there are a limited number of contractors who can work high voltage.

In the course of discussion regarding starting the next phase after Labor Day, Halberstadt noted that now will be a good time to go out for bid. Roberts asked whether any projects that might be in the 5-year plan would be available.

Burr questioned how we made money on electric sales when we didn't sell more kwh and rates weren't increased. Roberts suggested it might be PJM charges and Halberstadt said he will find out. Halberstadt noted PJM charges in January. Burr stated at that time we should do a 100% pass-through on transmission charges.

Discussion ensued regarding the retirement fund and the change in the accounting rule. We used to be funded to one hundred seven (107) percent; then it came down to ninety-seven (97) percent, but now there is a new rule and the assumption that it will not increase in twenty (20) years.

Henry explained that nothing has really changed but net value will look lower and it is because of that accounting rule adding that this is because the economy is tanking. Roberts added that it is a paper value.

- E. Water Fund – Financial Statement
- F. Water Fund – Cashflow Statement
- G. Water Fund – Review of Percentage Billed
- H. Sewer Fund – Financial Statement
- I. Sewer Fund – Cashflow Statement

Burr commented on the final amount at the end of the year, capital outlay and no projects pending. Kalamazoo Street and the ravines are where that is going. Discussion ensued regarding the Monroe Boulevard and Indian Grove lift station projects.

#### **Quarterly Outage Report, Fourth Quarter 2015**

It was noted that animal contact is down and the overall number of incidents is down. Discussion ensued regarding ways to lower the number of outages. Burr suggested looking into failed devices. It was suggested that staff have Jim Pezutto, Electric Supervisor, come in and tell the board what he finds in that category.

#### **NEW BUSINESS**

##### **8. City Engineer Comments**

Board Members are invited to attend a joint workshop of the City Council, Casco Township Board, and South Haven Charter Township Board to discuss the sanitary sewer and wastewater treatment plant planning efforts and the proposed regional water/sewer authority. The meeting will be held on January 27, 2016 at 6:00 pm at Lake Michigan College, 125 Veterans Blvd, Room 141.

Discussion ensued regarding how difficult it will be for the various municipalities to be on the same page.

##### **9. Board Member Comments**

No meeting in February due to lack of a quorum.

Burr noted we are meeting with the Energy Optimization people next week; we are owed a refund.

Stickland had questions about lead in the water.

January 25, 2016  
BPU  
Regular Meeting Minutes

**10. Adjourn**

Motion by Winkel, second by Roberts to adjourn at 5:26 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom  
Recording Secretary

# Zoning Board of Appeals

## Regular Meeting Minutes

Monday, January 25, 2016  
7:00 p.m., City Council Chambers



City of South Haven

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

### 2. Roll Call

Present: Boyd, Bugge, Carlson (alternate), Paull, Stegeman, Wheeler, Lewis  
Absent: Miller, McAlear (alternate)

### 3. Approval of Agenda

Motion by Bugge, second by Boyd to approve the January 25, 2016 Regular Meeting Agenda as presented.

All in favor. Motion carried.

### 4. Approval of Minutes – October 26, 2015

Motion by Stegeman, second by Paull to approve the October 26, 2015 Regular Meeting Minutes with the following correction:

Bugge noted a correction to page 6. 1.7' should be written 1' 7" or 1 1/12'

All in favor. Motion carried.

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

None at this time.

### 6. New Business – Public Hearings

- a. Bill Fries, currently of Portage MI, requests a front setback variance for his residence at 310 Eagle Street. The applicant is asking for a four (4) foot setback when a 12 foot, 10.5 inch variance had been previously approved. The requested variance relates to zoning ordinance section 402-1. The parcel number is 80-53-019-007-00.

Anderson noted this is a case that came before the zoning board a year ago, Mr. Fries appeared before the board twice; he was demolishing a house and building new. He

asked for two variances, he received the front setback variance but was denied the variance for lot coverage. His front variance was to be in line with the adjacent houses. The open deck has a partial roof that encroaches into the setback. In this case, it was very confusing at the meeting with open decks, porch roofs and so forth. As soon as we noticed that the upper deck construction was encroaching into the setback, the applicant was told he could continue work on the rest of the house but told to quit work on that part of the building. Anything done to the portion of the house extending into the setback would be at his own risk. The applicant came in and filled out the application to request another variance and had some professional plans completed. Anderson noted that the building department had received several letters of support from neighbors and another neighbor, Mike Henry, came in and said he was in support. There were no letters received against granting the variance.

Lewis, looking at the hand drawing, commented, "A nine (9) foot setback from the sidewalk to the roofline. How is that different from what is there now?" Anderson explained the open deck goes back nine (9) feet, so there is six (6) feet of open deck.

Lewis said, "He has a covered porch, not an open deck." When asked Anderson explained that Fries was told he had to stop work and included in the agenda are the minutes of the last meetings as well as information of other variances granted in that neighborhood. Anderson asked that the applicant be invited to explain the request to which Lewis responded that the applicant will be given that opportunity.

Motion by Boyd, second by Wheeler to open the public hearing.

All in favor. Motion carried.

Bill Fries. Noted he is not a Portage resident any longer, he is in South Haven now; he has been renting here while building his house. This is his residence. Fries acknowledged that there was a lot of confusion at the previous meetings, but after the final meeting that he was at here, he hired Duluth Builders, had that plan drawn and all the setbacks and measurements were on that plan which he submitted to city hall. Fries noted, "On the last day the framers were there, I was in Jackson. Linda called me at 3:00 p.m. I almost fell out of my chair. We built the house right to the specs. When I first appeared before you I asked if I could keep my deck three (3) feet within that; we are forty-four (44) feet back. I had the surveyor, Ed Morse, survey that right down to the dime with his satellite; how it's measured and how it's platted is a little different but not significantly." Fries also explained, "I understand my front deck is compliant but the deck above and the roof are not. The second deck covered the first deck so it is counted as a roof. I'm asking you to grant it as it would be virtually impossible to tear that off the way it is built and integrated into the house."

Paull asked how big the deck is. Fries stated that the lower deck is nine (9) feet eight (8) inches. Paull asked how much is covered by roof to which Fries responded that the upper deck comes out six (6) feet. Paull asked how much the lower deck extends beyond the upper deck. Fries noted that the eave was reduced by a couple of inches. Paull asked how far back from the sidewalk the front edge of the deck is which Fries pointed out that while he asked for thirty-six (36) inches the deck sits back more than thirty-six (36) inches. In one area it is more like forty-four (44) inches. Fries noted that he

provided a picture which he does not know if the board has had a chance to see. Anderson said that it is in the agenda packet provided to the board.

Fries added that he has not had any resistance of neighbors, but all are in support. "Some even came tonight from Chicago to support me. Being next to that facility next door, I infringe on no one's view from what has happened there. I believe I've added value to that neighborhood compared to what was there. If you look down the street it fits in well. I didn't have this happen due to deceit, it was the last day of the building that I realized this."

Bugge asked whether when Fries gave the builder the design of the house, did Fries convey what the variance said to which Fries responded, "Yes." Bugge asked if the builder understood the variance to which Fries responded that he wouldn't want to speak for the builder as to whether he understood. Bugge continued, "Usually builders will call the city and . . ." at which point Boyd interjected that the city issued the permit; the city approved the plans. Fries noted he is the general contractor, "They were subbing that for me. They are third generation builders, they build a very nice house, so, yes, they do follow up."

Bugge asked whether the builder had a copy of the site plan to which Fries responded that he thought so. Bugge repeated the question to which Fries responded that he does not recall. Bugge asked, "You don't recall?" to which Fries acknowledged again that he does not recall.

Anderson explained that the zoning permit was issued before the building permit and the zoning permit reflected everything that was required for the zoning permit so it had to be built to those standards. "There was a site plan," Anderson stated, "with everything on it as it was being built. What wasn't shown, what wasn't clear, is the plan showed the deck but not the roof over the deck. And the roof over the deck, that's not allowed." Bugge asked, "That was not on the plan submitted to you?" Anderson responded, "I was going off the site plan. The construction drawings may have had something different, but what I was dealing with was the site plan and the variance as approved by the Zoning Board of Appeals. That was all."

Pat Gaston, 97 Superior Street. Stated she is kind of confused; that she looked at the packet and tried to figure out the old minutes. She stated is trying to figure out when the building permit was approved, did the building permit show that roof over those decks? It kind of shows that he submitted a plan that showed that roof over those decks. She can see he submitted something, that it showed those roofs over those balconies. But also, through this whole thing, listening to this, the building permit was given based on the site plan or the variances you gave. "I guess I can't quite blame him if you gave him a building permit, if it showed a roof over that. I'd kind of have to agree with him. But if the building permit didn't show that, then he is kind of out of line here. I know he has all these people here, but I'm just trying to figure out what the building permit allowed and what he did."

Paull said there is a difference between a building permit and a drawing that is submitted for zoning approval. Paull added, "That is the difference; that is where the confusion happened." Gaston responded, "When you go in for a building permit, don't you have to show elevations of your building? Isn't that part of it? You don't go in with just where you

are going to build on that property; you're going in with elevations of your building, don't you?" Anderson stated that before you can get a zoning permit you have to show elevations, you have to show a site plan, you have to show where all the roofs are, you have to show driveways, you have to show all site and building elements on that plan. That's before you can even get your zoning permit. When the construction permit is issued, all of that is submitted again. They actually submit two applications. One is for zoning and building is another one for site plan review by the Planning Commission or zoning administrator."

Steve Earls, 72074 4<sup>th</sup> Avenue. Stated he has been here long enough to know, as a real estate associate broker, how important this issue is to all of us. Stated he knew the house that was there previously very well, the people who lived there were friends of his. Stated he got to know Bill (Fries) during the real estate transaction. As a real estate agent, it's great to have someone coming in to town as a permanent resident and improve the neighborhood. It is a confusing situation here, the way it turned out." Also noted he has a business which builds cell towers; does land acquisition and zoning for cell towers so he thinks he understands the process. Someone tonight noted that there are a lot of variances in that neighborhood. The neighbors are all in favor of it; there is no opposition. "It's unfortunate what happened, because if this does not get approved it is going to be very costly and a huge mistake on everybody's part. For it to get this far, the site plan had to be reviewed, the plans had to be reviewed, the variance was given, if there is a roof that is hanging over the piece of building that's already on the parcel, that's how the ordinance reads. It would be in everyone's benefit to approve as it is, as it has been very confusing. There are a number of people who are still trying to figure this out, and I think it would be in everybody's best interest to let this pass."

Tom Jager, 316 Eagle. Stated he and his wife live fulltime on Eagle Street, two (2) doors down; that they were through his old house; it was rough and needed to come down. Said he could only speak as a neighbor. "We needed a new house there that helps make it a better neighborhood. The house looks really nice as it is. It would be a shame and a big mistake to make a change at this point. Bill is a good neighbor, a very good neighbor and I speak strongly in support of keeping the project as it is."

Sue Denice 325 Eagle Street. Stated she is catty corner to where Bill (Fries) is building his new home. "I think this is a marvelous street, too, that this is a beautiful home; a fantastic project, would hate to see anything changed at this time; it adds character to the whole street. I'm very much in favor of allowing him the ability to continue on this project."

Motion by Stegeman, second by Paull to close the public hearing.

All in favor. Motion carried.

Lewis said that he is confused with Pat (Gaston) also on this, noting, "The zoning part I understand. Who approves the building plan?" Anderson responded that the building official, mechanical inspector, electrical inspector all have to look at it. After a question by Lewis Anderson noted that she looked at the zoning and needs to issue a permit before the building code officials begin their reviews. In this case, what the board of appeals had ruled was fine, the wall of the house was right where it should have been. The deck was allowed to be three (3) feet from the sidewalk. Everything was fine until

the roof went up; that was the problem. Lewis said, "The roof we discussed at length, at the December meeting. That roofline becomes the setback. That's where I am bothered that the code enforcement people didn't see that and say that the roof extends into the setback." Anderson explained that they were aware there were variances granted and it looked compliant when Anderson reviewed it, just doing an aerial view and the side elevations and everything was fine. Then the roof came out and Anderson does not think Fries understood that the deck coming out became a roof.

Lewis asked, "There is a deck above the deck; even without the deck you still have the roofline?" Anderson responded yes. Lewis said he understands the layman's confusion; oh, we just put a deck over top of this, it's a deck, it's not a roof. But this isn't that case, this is a roof.

Wheeler said he is looking at this in two stages. The compliance stage and being in line with the variances is one thing. The second thing is, should this man suffer because somebody somewhere dropped the ball. Lewis stated that is a consideration and noted that if the site plan were to come to us today from scratch, he would not have been in favor of it. He would have said, "No, you have to push the whole thing back."

Lewis said he doesn't know how to formulate a decision on this, because he is so up in the air. "I understand what our intent was, but the scrutiny was not good enough." Lewis reiterated that the setback was to the roofline. Paull asked, "Do you see it then, that the variance was approved with the roof? That although you would not approve it now, that's how you see it having been approved?" Lewis said, "No, no, we approved it with the roof being there, we approved it with the roofline." To which Paull responded, which roofline? How much?" Lewis said six (6) feet, Bugge interjected 10 inches, Lewis said, "No, no, from the front, oh, how did we do that again?" Paull said, "I don't remember." Lewis, referring to the plans, "I'm referring to . . . from here . . . from the property line back.

Boyd commented that, as Mr. Earl mentioned, this is a very confusing matter. "I'd like to make a motion to approve the four (4) foot setback variance for 310 Eagle Street, parcel number 80-53-019-007-00, when a 12 foot, 10.5 inch variance had been previously approved. Second by Wheeler.

Lewis asked if there were any conditions or any reasons. Boyd said, "I call the vote." Lewis responded, "You can't do that," to which Boyd noted, "Yes, I can." Lewis stated, "You can do it but I don't have to agree."

Boyd said, "We are going to go round and round. In the future, I agree with you, we need to be asking two questions about setbacks and lots, as well as building plans, and instruct our building officials to have tighter scrutiny, to use this as a template for looking at things in the future. We're not the zoning board, we are the zoning variance committee, so I think this variance is a realistic request."

Bugge stated she has a serious problem with this. "We asked the applicant to be more specific in his application. I don't think he was forthcoming with us during our two meetings which we held when we talked about porches that were covered would be considered in the setbacks. We were generous to grant him a setback the same as the adjacent houses, because we felt that their setbacks had been determined by his house. I'm very uncomfortable with this; in the past when people have made errors, people have

had to bring them into compliance. I'm uncomfortable with the whole thing; the way it was presented to us; I feel someone came in and they wanted to build a house, and they just wanted to build their house regardless. I have a very difficult time with this house."

A roll call vote was taken.

Ayes: Stegeman, Wheeler, Boyd, Carlson

Nays: Bugge, Paull, Lewis

Lewis noted that the variance passes.

Wheeler congratulated the applicant.

Anderson noted that when we have had problems in the past it has been with open porches with decks over them. "I would like to see something more clear as we work on the ordinance with the Planning Commission. I've had some good ideas of ways to do that. This is getting difficult; it always causes us a problem. We go out and check and applicants often didn't realize that was going to be counted as part of the house." Anderson reminded the board of another situation where someone came in for a variance for a balcony; it was the very same thing, it wasn't on her drawing because she didn't think it had to be."

Bugge stated she would like to reiterate, if these porches are enclosed, they will have to be un-enclosed, noting, "I think this needs to be clearly explained, that these can never be enclosed." Lewis noted that there is nothing that stops this one from being enclosed and Bugge agreed, "That's right by the way the variance was granted?"

- b. Lawrence and Donna Zeppiero of South Haven request a landscaping variance for their commercial business at 380 73 ½ Street. The subject property is in the Corridor Overlay Zone and the variance is requested from section 2406 of that ordinance. The parcel number for the property is 80-53-620-051-00.

Anderson explained that for a long time, the D & L store was on Phoenix Street, they sold plates and napkins and it was a very popular spot in the city. That location closed and the owners moved everything out to their warehouse on 73½ Street. "The Zeppieros were originally just using that location for warehousing and wholesale sales; when we found out they were doing retail sales we told them it needed to be checked by the building official and fire marshall." Anderson noted that going from a warehouse to retail sales requires interior and exterior alterations and it is in the overlay zone, which requires if you are doing even a minor change of use, which this is, they have to comply with signage and landscaping requirements. Anderson reminded that this same kind of thing has come before the board several times. "They aren't redoing the entire site; they are keeping the existing vegetation; planting some trees; putting in a landscape island. They are only using half of the small building, so they are only using a small portion as store. If the board would like to see more in the way of pots or boxes, that would be fine. They are anxious to open; they have been working with the fire marshall and the building official for some time now. We received no comments on this. Tom (Stegeman) was the only one who came in to look at the plans."

Lewis asked, "According to the letter of the law, he's only using half of the small building? Does he have to include landscaping for the entire parcel?" Anderson responded, "I'm saying not, just to make it more attractive along 73 ½ Street; and striping just for this store; just to make this building more attractive. That is the whole point of the overlay."

Bugge wanted to know if the site plan could be placed on the overhead but it was not available in that format. Bugge referenced the drawing on page 53 of the agenda packet. Anderson had a full-size plan, which she brought up to the board, noting where 73 ½ is; the large building; the small building which will be used half for storage and half for retail. The areas that are green are landscaped or greenspace already; the blue dots are additional trees they are planting. There is a landscape island with ornamental trees. Lewis noted that's far away from the small building. Anderson noted that the trees along the north property line are actually on the adjacent Goodwill property.

Bugge asked what they are proposing in the portion of green area closest to the building. Anderson said those are large existing trees, not ornamentals. Lewis noted that according to Anderson's interpretation, the applicants only need to worry about what is in front and alongside the smaller building, adding that kind of brings them into compliance.

Motion by Paull, second by Boyd to open the public hearing.

Donna Zeppiero, South Haven. Stated her husband runs D & L Sales and she doesn't have anything to do with that business. Explained that he has used that for a warehouse since 1999 and would like to convert the wholesale showroom into a retail outlet. It would measure 45 x 65 feet long. That is six and seven-tenths (6.7) percent of the overall building space out there, so this is a very small amount of the total building space. The other building is used for a warehouse, used for an industrial purpose; there are loading docks so there is no way we could have landscaping along the entire front, but along where the retail outlet would be there is landscaping now. The west end, the rear, is grass, mature trees and bushes in an area roughly 40 feet x 330 feet. Bugge asked what width is required. Zeppiero noted that the green area is what is already there; the blue is what we propose to do to be in as much compliance as we can. Regarding the suggested interior landscaped area within the parking lot, the fire chief when he was out there to give a fire approval, said that could be a problem to put it in the middle for the maneuvering of emergency vehicles, so we propose to put two islands on the sides. Zeppiero noted that they could have brought a lot of people to support this, as they want to buy their napkins and plates from us, but stated that she does not think that should influence the board's decision.

Bugge asked if they are in area A to which Anderson responded yes. The required greenbelt is 25 feet in the front, according to Anderson.

Lewis asked if the proposed landscaping plan and the small building can essentially be called something different than the entire lot, do they meet the ordinance and if so how. Lewis stated he would like to know if they meet the ordinance without us having to grant a variance.

Anderson said they have a 25 foot greenbelt but they have not met the landscaping along the front. Lewis said it is kind of confusing. Stegeman said the islands are

impractical; they tried to make the best they could to meet the requirements. Boyd commented that the board appreciates that the applicants came with plans, reminding the board of one that came without plans.

Bugge noted that the property has potential for future redevelopment. While Bugge is comfortable recognizing they are just making a small change, if something different should happen they would have to come back to bring that into compliance; to make it more attractive which was the whole purpose of that ordinance overlay zone. Bugge noted they do have green space around the building; we haven't required anyone else to dig up pavement which Lewis agreed with.

Motion by Bugge to grant this variance as proposed providing it pertains to only the current proposed use. Future changes in use would require compliance with the ordinance. Second by Wheeler.

Paull asked if the applicant is conducting retail business there. Zeppiero said wholesale only; buyers such as hospitals, schools and restaurants have to show a sales tax license to buy. Lewis repeated it is wholesale only. Anderson confirmed that noting as proof that we have had people call or come in to complain that they could not buy holiday supplies.

Motion by Paull, second by Stegeman to close the public hearing.

Paull stated he thinks the applicant has demonstrated that he has done something to improve the surroundings. "As long as we don't reduce the pressure for other tenants that go out there. Others will need to contribute to make that an attractive gateway to the city. I'm glad to see a start."

Bugge said maintenance to the property has value as well as landscaping.

A roll call vote was taken.

Ayes: Paull, Stegeman, Wheeler, Boyd, Bugge, Carlson, Lewis

Nays: None

The variance was granted unanimously.

## **7. Commissioner Comments**

Lewis: Asked if any pots have gone in at the detailing shop. Anderson heard that they were not in business any more. Paull asked if the property owner or the business were granted the variance. Anderson said it was the property and the variance would go with the property.

Lewis asked about the special meeting on February 8 to which Anderson responded that the meeting will be in council chambers. Anderson noted that most do not like special meetings but due to a grant that is available, if we waited until the regular meeting date, the applicant would miss the deadline to show whether she had parking or not. Anderson explained that if the applicant gets the variance she can move forward; if not, she won't.

Lewis asked if there will be a quorum to which Anderson responded yes.

**8. Adjourn**

Motion by Bugge, second by Paull to adjourn at 8:00 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**  
**January 27, 2016**

**CALL TO ORDER:** The Regular Meeting of the South Haven Housing Commission (SHHC) was called to order at 5:20 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 Teresa Mahone-Jordan, Commissioner Tom Thomson, Commissioner Letitia Wilkins and City Council Representative Scott Smith. Absent: None. Also present: Executive Director and Secretary Charles Fullar and SHHC Assistant Director Deneice Birmingham. It was moved by Vice-Chairperson Seroke to amend the agenda to include New Business item 5. Tuition Reimbursement; and New Business item 6. Warren Center Art Work Purchase; the motion was seconded by Commissioner Wilkins. All votes in favor. Motion carried.

**INVOCATION:** Commissioner Mahone-Jordan delivered the invocation.

**PUBLIC HEARING ON 2016 ANNUAL AGENCY PLAN:** It was moved by Vice-Chairperson Seroke to open the Public Hearing for the 2016 Annual Agency Plan; Seconded by Commissioner Wilkins. All votes in favor. Motion carried. The Public Hearing began at 5:25 p.m. Executive Director Fullar supplied copies of the 2016 Annual Plan, and reported two public notices, December 13, 2015 and January 10, 2016 were published in the South Haven Tribune requesting written comments and recommendations and notifying the public for this Public Hearing date and time. Executive Director Fullar reviewed the plan including the Housing Commission Mission Statement, Strategic Goals and Goal Objectives, Housing Needs, and Strategy for Addressing Housing Needs. The 2016 Annual Agency Plan has been available to the public to review at the Housing Commission Office and at South Haven City Hall. At the regular meeting held on January 21, 2016, the Housing Commission Resident Advisory Board (RAB) reviewed, approved and forwarded the 2016 Annual Plan to the Housing Commission with the recommendation for approval and submission to HUD. No members of the public attended the public hearing. One written comment was received and reviewed. A River Terrace resident expressed his appreciation for all that the Housing Commission has to offer. No additional input or comments were received during the public comment period prior to the public hearing. It was moved by Commissioner Mahone-Jordan to close the Public Hearing for the 2016 Annual Agency Plan; Seconded by Vice-Chairperson Seroke. All votes in favor. Motion carried. The Public Hearing concluded at 5:39 p.m.

**PUBLIC HEARING ON 2016 CAPITAL FUND PROGRAM:** It was moved by Vice-Chairperson Seroke to open the Public Hearing for the 2016 Capital Fund Program; Seconded by Commissioner Mahone-Jordan. All votes in favor. Motion carried. The Public Hearing began at 5:39 p.m. Executive Director Fullar supplied copies of the 2016 Annual Plan, and reported two public notices, December 13, 2015 and January 10, 2016 were published in the South Haven Tribune requesting written comments and recommendations and notifying the public for this Public Hearing date and time. Executive Director Fullar reviewed the Plan including the 2016 Annual Statement, open grants for 2014 and 2015 and Five-Year Action Plan. The 2016 Capital Fund Program has been available to the public to review at the Housing Commission Office and at South Haven City Hall. At the regular meeting held on January 21, 2016, the Housing Commission Resident Advisory Board (RAB) reviewed, approved and forwarded the 2016 Capital Fund Program

Plan to the Housing Commission with the recommendation for approval and submission to HUD. No members of the public attended the public hearing. No additional input or comments were received during the public comment period prior to the public hearing. It was moved by Vice-Chairperson Seroke to close the Public Hearing for the 2016 Annual Agency Plan; Seconded by Commissioner Mahone-Jordan. All votes in favor. Motion carried. The Public Hearing concluded at 5:55 p.m.

**PUBLIC COMMENTS:** None.

**CONSENT AGENDA:** 1) Minutes of the Regular Meeting December 16, 2015. 2) Current Operating Expenses - \$75,616.22. 3) Homeownership Expenses - \$0.00; 2013 Capital Fund - \$10,650; 2014 Capital Fund - \$2,082.04; 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; Income and Expenditures Report for December 2015 and Material Disposition. 5) Correspondence: the Par Plan News, December 2015; Tenant Notices; and NAHRO Monitor January 15, 2016 Article, Moving Towards Smoke-Free Housing. 6) Other Reports: HDC Status: Executive Director Fullar reported the effort to file the new Articles of Incorporation is still in process with the attorney.

It was moved by Commissioner Mahone-Jordan to approve the Consent Agenda; the motion was seconded by Commissioner Thomson. All votes in favor. Motion carried.

**UNFINISHED BUSINESS:** 1) Status Report on CFP Projects: Executive Director Fullar reported the ceiling fans, thermostats, and improved lighting fixture contract is 100% complete.

**NEW BUSINESS:** 1) Resolution No. 16-01, to Submit the 2016 Annual Agency Plan to Dept. of Housing & Urban Development: Resolution No. 16-01

2016 Annual Agency Plan for Fiscal Year Beginning July 1, 2016

WHEREAS, the Quality Housing and Work Responsibility Act of 1998 (QHWRA) requires the development of a Housing Agency Plan, including an Annual and Five Year Plan, and

WHEREAS, the Agency Plan has been developed in accordance with HUD regulations,

NOW THEREFORE BE IT RESOLVED, by the Board of the South Haven Housing Commission that the Housing 2016 Annual Agency Plan for the period beginning July 1, 2016, be approved for submission to HUD and the Chairperson of the Board of Commissioners is hereby authorized to sign the Certification of Compliance with the Public Housing Authority Plans and related regulations on behalf of the Board of Commissioners.

It was moved by Commissioner Mahone-Jordan to approve the foregoing Resolution No. 16-01 as introduced and read; Seconded by Vice-Chairperson Seroke. All votes in favor. Thereupon, Chairperson Ladewski declared said motion carried.

2) Resolution No. 16-02, to Submit the 2016 Capital Fund Program to Dept. of Housing & Urban Development:

Resolution No. 16-02

2016 Capital Fund Program

WHEREAS, the Quality Housing and Work Responsibility Act of 1998 (QHWRA) required the development of a Housing Agency Plan, including an Annual and Five Year Plan in conjunction with the Capital Fund Program, and

WHEREAS, the Agency Plan and the Capital Fund Program have been decoupled in accordance with HUD regulations,

NOW THEREFORE BE IT RESOLVED, by the Board of the South Haven Housing Commission that the 2016 Capital Fund Program Plan, be approved for submission to HUD and the Chairperson of the Board of Commissioners is hereby authorized to sign the Certification of Compliance with the Public Housing Authority requirements and related regulations on behalf of the Board of Commissioners.

It was moved by Vice-Chairperson Seroke to approve the foregoing Resolution No. 16-02 as introduced and read; Seconded by Commissioner Mahone-Jordan. All votes in favor. Thereupon, Chairperson Ladewski declared said motion carried.

3) Resolution No. 16-03, IRS Mileage Rate Decrease:

Resolution No. 16-03

IRS Mileage Rate Decrease

WHEREAS, it becomes more or less expensive to operate a private vehicle due to the increased or decreases cost of gasoline, and

WHEREAS, the IRS decreased the mileage rate beginning January 1, 2016, for business travel when using one's personal vehicle to 54 cents per mile, and

NOW THEREFORE BE IT RESOLVED, by the South Haven Housing Commission of the City of South Haven, Michigan that the travel allowance for using one's privately owned vehicle shall be decreased from 57.5 cents per mile to 54 cents per mile effective January 27, 2016.

It was moved by Commissioner Thomson to approve the foregoing Resolution No. 16-03 as introduced and read; Vice-Chairperson Seroke. All votes in favor. Thereupon, Chairperson Ladewski declared said motion carried.

4) Michigan Township Participating Plan Insurance Renewal (2016) Property Insurance Renewal:

Executive Director Fullar supplied historical data for insurance premiums from 2001 through 2015, including the proposed 2016 renewal rate from Michigan Township Participating Plan. The current 2016, premium renewal is \$18,382.00; a 2.7% increase compared to the 2015 renewal rate. The 2016 renewal option includes a Casualty and Property Terrorism Coverage option for an additional \$336.00. Executive Director Fullar affirmed that the Michigan Township Participating Plan continues to provide property insurance rates at a reasonable cost and the company is very responsive to the Housing Commission's needs.

It was moved by Commissioner Mahone-Jordan to approve the Michigan Township Participating Plan 2016 Insurance Renewal, without the inclusion of the Casualty and Property Terrorism Coverage, in the amount of \$18,877.00 with the policy term beginning February 14, 2016, through February 13, 2017; Seconded by Vice-Chairperson Seroke. All votes in favor. Motion carried.

5) Tuition Reimbursement: Executive Director Fullar supplied copies and reviewed the South Haven Housing Commission Tuition Reimbursement Policy, Tuition Reimbursement Agreement and Promissory Note as part of the Personnel Policy Handbook. Also supplied was a course history of study containing successful completion of 24 courses through Spring Arbor University and details of the business study. Executive Director Fullar requested education reimbursement in compliance with the Personnel Policy and in the amount currently budgeted in the 2016 FYE Budget.

It was moved by Commissioner Mahone-Jordan to provide Education Reimbursement to Executive Director Fullar in the currently budgeted amount in the 2016 FYE Budget and in compliance with the policy that includes the required Tuition Reimbursement Agreement and Promissory Note; the motion was seconded by Vice Chairperson Seroke. All votes in favor. Motion carried.

Warren Center Art Work Purchase: Executive Director Fullar explained that the art work on the Warren Center walls was on loan from artist Joan Bonnette. The art work is for sale. Ms. Bonnette offered to sell the current on wall collection at a 60% reduction for the asking price. The Commissioners discussed the artwork and consensus was to not make a decision at this time; and to contact the Art Center for possible collaboration to display art work at the Warren Center. No action was required by the Housing Commission.

**EXECUTIVE DIRECTOR'S REPORT:** Executive Director Fullar reported retro fitting River Terrace, Harbor View, and Family Housing with LED T-8 bulb replacements, replacing all existing T-8 4 foot and 2 foot florescent bulbs.

**COMMISSIONER'S COMMENTS:** Chairperson Ladewski commented to clarify the South Haven Housing Commission annual meeting month.

**ADJOURNMENT:** It was moved by Vice-Chairperson Seroke to adjourn; the motion was seconded by Commissioner Thomson. All votes in favor. Motion carried. Meeting adjourned at 6:36 p.m.

Respectfully submitted:

Approved February 24, 2016

  
\_\_\_\_\_  
Charles R. Fullar, Secretary

\_\_\_\_\_  
Eugene Ladewski, Chairperson

# Zoning Board of Appeals

## Special Meeting Minutes

Monday, February 8, 2016  
7:00 p.m., Council Chambers



City of South Haven

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

### 2. Roll Call

Present: Dave Paull, Tom Stegeman, Mark Wheeler, Bob McAlear  
Absent: Scott Boyd, Mary Lynn Bugge, Jodi Carlson, Dave Miller

Also present: Marilyn Smith, Third Party Administrator, MSHDA  
Deb Davidson, Downtown Development Director

### 3. Approval of Agenda

Motion by Paull, second by Wheeler to approve the February 8, 2016 Special Meeting Agenda as presented.

All in favor. Motion carried.

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

None at this time.

### 5. New Business – Public Hearing

*Karyn Adler Fasel, daughter of property owner Barbara Ann Adler, is asking for relief from the off-street parking requirement for dwellings above a retail use in the CBD. The first dwelling unit does not require parking but each subsequent unit requires two (2) off-street parking spaces. The applicant plans to create two (2) residential units in the second floor of 409 Phoenix (Harbor Toys).*

Anderson noted there are two parking spaces behind the store on private property; one tied to a lease for a separate building and the other space will be utilized for fire escape if the two apartments are developed. The applicant could not be here, but Deb Davidson, DDA Director, and Marilyn Smith, MSHDA, are here to answer questions.

Lewis asked why the applicant is not here to which Davidson responded that the applicant lives out of state in Pennsylvania. Anderson noted the applicant asked that Davidson and Smith be here, so they are the designated representatives.

Motion by Wheeler to open the public hearing, second by McAlear.

All in favor. Motion carried.

Deb Davidson, DDA Director; on behalf of Karen Fasel: The applicant received a MSHDA grant to develop two apartments in the upper story of 409 Phoenix Street, then it was realized that the parking spaces are tied to a lease. Davidson stated she would not make a recommendation but present the pros and cons as she sees them.

Pros: This project does support the State of Michigan's efforts to create vibrant downtowns and create a sense of place. The results are attracting a younger population to downtowns; spurring economic development and increasing activity and revenue to downtown property and business owners. Many of our buildings do have vacant upper floors; this creates a productive use of vacant space. This project supports some goals in the master plan: year round activities, better use of upper floors in the downtown, encourages downtown diversity and encourages higher density residential use in downtowns.

Cons: Will take up parking in the downtown parking lots, not so much this time of year but during summer months when parking is at a premium.

To that point Davidson noted that the DDA continues to increase the parking in the downtown and are always looking for opportunities to add parking. There are two projects to be added in the late spring; 26 to 29 additional spaces at the old Baar's site and the addition of a new parking lot on Dunkley.

Lewis asked about the square footage requirements to which Smith responded that there are requirements. These apartments will have approximately 1000 square feet and the state requires at least 700 square feet. The finished square footage will probably be around 900 square feet by the time everything is installed.

Stegeman asked about the applicant having a parking spot which is currently leased out to someone else. Davidson responded that the parking space is leased to the owner of Harbor Toys, the lessee of the retail business on the ground floor. Stegeman asked whether they have thought about breaking that lease to which Davidson responded that she has encouraged the owner to do so.

Smith said there is a broader objective and spoke about another community where the parking is difficult, noting that there was discussion that parking could possibly be a problem because they do not require any parking. Smith noted the other community has found that is not a debilitating problem; that community has ID cards that are attached to the cars so they know where those cars are parking, they do not park on the street. Smith noted that another community has a 2-hour limit on the street but they can park in any of the public lots while yet another designates parking for apartment dwellers, so there are ways to manage the parking. The purpose of the program is to provide living and working opportunities close by. But some people still drive to work, so those people, during the day, will be gone anyway. Smith admitted it is an issue you always have to take into consideration.

Lewis reiterated that the city does not have any requirement for parking for the first apartment, and asked where they would park, to which Anderson responded, "In a city lot."

McAlear pointed out that Smith addressed another city that does not have parking requirements; the state is supporting downtown apartments; the state's intention is to try to support the downtown development and create a thriving community. McAlear thinks the parking issue is totally separate; needs to be addressed, but as a separate issue. Davidson agreed that she believes the city needs to look for long term parking solutions.

Smith commented about the grant, noting that Davidson said the Chamber of Commerce coined the term "South Heaven" and noted, "I believe this is a beautiful city. This is a wonderful program that may not be duplicated after this. We don't know what the future is going to be like, but do know the façade program added value to the community. You would not have a vacancy issue; the program itself is a wonderful program that does add value to the downtown buildings but may not be replicated in the future."

Stegeman pointed out that if there were only one (1) apartment there would not be a parking issue. Smith said it might be more than the square footage required by the state but the objective is to create more parking. McAlear asked if the applicant went to the one (1) unit, would it make it too expensive. This is not low income housing; the goal is \$34,000 in an attempt to get a young person that could rent an apartment if there were an apartment available. There are varying degrees, according to McAlear, who noted that if the developer went to one unit she might price herself out of the market.

Smith noted that the requirement is to have the tenant, of low to moderate income, remain in that apartment for five (5) years. "Long term," Smith noted, "maybe it won't make any difference, because South Haven is 'South Heaven'. Financially, long term, it may not be a problem for her. But short-term it could be a problem and might not meet the state's goal."

Motion by Paull, second by Wheeler to close the public hearing.

All in favor. Motion carried.

Paull commented that at the last zoning board meeting before he voted no, he noted, "I hate voting for squirrels." Paul continued, "Ladies, your arguments are wonderful, however, this thing violates the zoning ordinance; it's asking us to set up a system by which we will exacerbate an already difficult parking problem; the problem the applicant is having is self-inflicted. If you go through the list of criteria we go through for approving or dis-approving variances that is one of the criteria. The applicant has one of the required spots; she has voluntarily taken it out of the system. As good as this plan is and as much as I applaud Karen Fasel for her efforts, it's too much, too soon. We need to solve the parking problem downtown. Sunday morning as I arrived for my weekly breakfast downtown, one of the employees at Black River Tavern showed up, he is the one who opens, and parks right in front of Black River Tavern. What would it take to make sure that spot is available for someone else to park in? We have a parking problem we need to resolve. Paull said it was discussed about hiring a consultant to do a study to help solve this. We need to solve this, before we start granting variances to parking and I will be voting no."

McAlear, agrees on the parking problem, and noted that the apartment development is a viable project. McAlear thinks they are separate issues that need to be solved separately and stated that he supports the issue.

Lewis has an issue, as he often does, with the need for a variance being self-inflicted. "Can the property be enjoyed the way it is? Yes. It can be turned into a 2,000 sq. ft. apartment that can be used and enjoyed. They do have parking as part of the deed of the property and the parking is currently leased out; that is a problem for the developer, but it is not this board's problem." Lewis stated that he is kind of with Paull on this one and does not see how he can look at the criteria and say it meets all the criteria.

Wheeler pointed out that it might be splitting hairs on self-creation, but in some zones the setbacks make it so someone can only build a tool shed or not even that on their property. "Ideally, most of the people who come in here have a self-created problem, it's just a matter of how self-created of a problem it is."

Lewis repeated that in his opinion this project does not need a variance because it can be enjoyed as a larger apartment.

Stegeman stated that he owned the building at 424 Quaker for many years, and had some lovely apartments on the top of that with our own parking alongside the building and those tenants could never park there, because somebody else would park there, and you talk about problems; this needs to be cured. Stegeman stated, "I like this program, but I've had a belly full of hearing people complain about parking problems. They have parking spot but they don't want to use that, it's a tough question."

Lewis pointed out that the ZBA is not the Planning Commission to which Wheeler commented that all the ZBA can do is acknowledge that there is a parking problem.

Paull said over the past 10 to 15 years, there have been a number of parking solutions; one you could buy into, another making more parking places, but it's been haphazard and uncoordinated and not very well enforced. Paull feels there is a need to solve the parking problem before granting variances. Lewis worries about setting a precedent noting that the next guy down the street may want three apartments.

McAlear agrees about setting a precedent but every city in the world that is growing, and South Haven is growing very rapidly, has this problem. "In order to help with that growth, we are going to say 'bye-bye' to the grant; the state has criteria; this is a huge opportunity for the downtown area." McAlear noted, "You talk about parking? Chicago, Bay City, Muskegon, you will have to find a parking place and walk. Parking is a separate issue, that's all I'm saying."

Motion by McAlear to support the variance for two parking spaces for the second residential unit at 409 Phoenix. Second by Wheeler.

A roll call vote was taken.

Ayes: Stegeman, Wheeler, McAlear

Nays: Paull, Lewis

Since four affirmative votes are required, the motion fails.

Lewis conveyed his apologies to the applicant.

**6. Commissioner Comments**

Lewis: Appreciate everyone coming here for the special meeting on short notice.

There were no other commissioner comments.

Anderson: We will not be having a regular meeting this month, but there may be something in March.

**8. Adjourn**

Motion by Paull, second by Stegeman to adjourn at 7:36 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom  
Recording Secretary



# City of South Haven

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## Department of Public Works

DPW Building • 1199 8<sup>th</sup> 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:** March 16, 2016

**RE:** Special Event 2016-10 – Gathering To Give Craft & Vendor Expo

### Background Information

The Domestic Violence Coalition is requesting to hold a craft and vendor expo on June 25, 2016 from 8:00 am to 4:00 pm at Stanley Johnston Park. The funds raised from this event will be used to help support the Domestic Violence Coalition.

Insurance has been provided

### Attachments

Special Event 2016-10 Special Event Application and Maps

FOR OFFICE USE ONLY

Special Event # 2016-10  
Date Received 3/11/16

# CITY OF SOUTH HAVEN

## Special Events & Festivals Application

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.

SMH  
Initial

2/24/16  
Date

### CONTACT INFORMATION

Event Title: GATHERING TO GIVE CRAFT + VENDOR EXPO

Sponsoring Organization: Domestic Violence Coalition

Applicants Name: Melanie Hooker

Telephone #: 269-655-9008 Phone # During Event: 269-903-8805

E-mail Address: mhookerva1@live.com

### Other contacts for/during event

Name: Sherri Hahn Telephone: \_\_\_\_\_

Name: Pam Schram Telephone: \_\_\_\_\_

### EVENT SPECIFIC INFORMATION

Event Location: Stanley - Johnston Park

Date(s) Requested: 2/25/16 Alternative Date(s): \_\_\_\_\_

Start Time: 8:00 End Time: 4:00

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

Number of people expected to attend: 100+ vendors - street traffic

### EVENT DESCRIPTION

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

Vendor expo featuring numerous vendors and crafts to benefit the Domestic Violence Coalition

**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? 42  
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: \_\_\_\_\_ 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: \_\_\_\_\_ Telephone: \_\_\_\_\_

- Live animal sites. Mark location on maps and describe: \_\_\_\_\_  
\_\_\_\_\_

- Any other item(s) that should be included on maps. Explain: \_\_\_\_\_  
\_\_\_\_\_

**ADDITIONAL EVENT INFORMATION**

- Liquor License

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

City of South Haven Liquor License Application  
Michigan Liquor Control Commission Website

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

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

\_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

- Signage: Prior to the event a list of all signage (example: sandwich boards, banners, etc.) and placement of the signage needs to be turned in to the city's Parks and Recreation Supervisor. Upon submission the signage requests will be reviewed by the Parks and Recreation Supervisor; additional approval may be required. **\*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: \_\_\_\_\_

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

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

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

Will you require additional fire/ambulance services:

Yes  No

If yes, explain: \_\_\_\_\_

Additional fire information: Mark all that apply

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

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

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

**INSURANCE**

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

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

**REMINDERS**

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

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

**INDEMNIFICATION AGREEMENT**

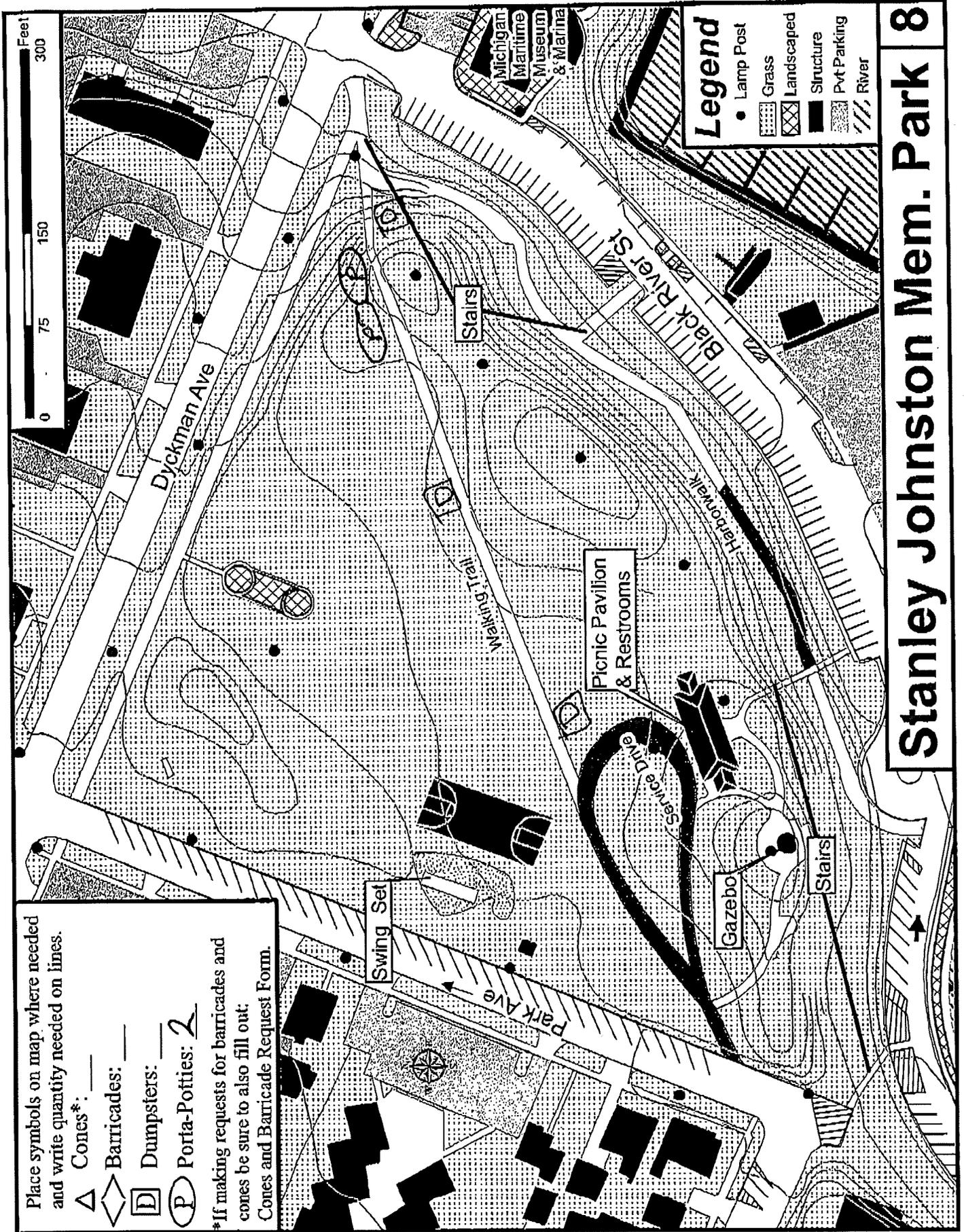
The undersigned agrees and promises, as a condition of approval of this Special Events & Festivals Application to defend, indemnify, and save harmless the City of South Haven, its agents, officials and employees from all suits, claims, damages, causes of action or demands of any kind and character arising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

Melanie Hooker  
Applicants Signature

3/11/16  
Date

Please return to:  
Parks and Recreation Supervisor  
Department of Public Works  
City of South Haven  
1199 8<sup>th</sup> 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.







# City of South Haven

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## Department of Public Works

DPW Building • 1199 8<sup>th</sup> 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:** March 21, 2016

**RE:** Special Event 2016-11 – 58<sup>th</sup> Annual Summer Art Fair

### Background Information

The South Haven Center for the Arts is requesting to hold their 58<sup>th</sup> annual craft fair starting July 1, 2016 through July 3, 2016 at Stanley Johnston Park. This event brings in over 30,000 people to South Haven. South Haven Center for the Arts will provide volunteers and overnight security.

Insurance has been provided

### Attachments

Special Event 2016-11 Special Event Application and Maps

# CITY OF SOUTH HAVEN

## Special Events & Festivals Application

FOR OFFICE USE ONLY	
Special Event #	<u>2016-11</u>
Date Received	<u>3/17/16</u>

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

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

A new application must be submitted each year.

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

[Signature]  
Initial

March 10, 2016  
Date

### CONTACT INFORMATION

Event Title: 58th Annual Summer Art Fair

Sponsoring Organization: South Haven Center for the Arts

Applicants Name: Thea Grigsby

Telephone #: 269.637.1041 Phone # During Event: 707.342.4403

E-mail Address: thea.shca@gmail.com

### Other contacts for/during event

Name: Emily Wondergem Telephone: 269.906.0225

Name: Lyn Winkel Telephone: 269.639.1897

### EVENT SPECIFIC INFORMATION

Event Location: Stanely Johnston Park

Date(s) Requested: July 1, 2 & 3, 2016 Alternative Date(s): \_\_\_\_\_

Start Time: Fri 7/1-10am set up, Fair 10-6 Sat&Sun End Time: Sunday 6pm close, 6-8pm clean up

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

Number of people expected to attend: 30,000

### EVENT DESCRIPTION

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

This will be our 58th annual juried Fine Art Fair with approximately 120 artists and 10 artisanal food vendors. Last year's event was a huge success. We provide volunteers and overnight security for the event. Friday is check in, Saturday and Sunday the fair runs from 10-6pm. Sunday 6-8pm is clean up.

**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? 10 units  
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: Thea Grigsby Telephone: 269.637.1041

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 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.

Casco Band  
\_\_\_\_\_  
\_\_\_\_\_  
Date: Sunday, July 3 Time: 2-3pm  
Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Date: \_\_\_\_\_ Time: \_\_\_\_\_

- Signage: Prior to the event a list of all signage (example: sandwich boards, banners, etc.) and placement of the signage needs to be turned in to the city's Parks and Recreation Supervisor. Upon submission the signage requests will be reviewed by the Parks and Recreation Supervisor; additional approval may be required. **\*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: Please hang banner over Broadway. Please turn on water and electricity and unlock Pavilion Bathrooms during the event.  
Please mow grass prior to Thurs 6/30, so booth spaces can be marked. Please erect temporary fencing on Dyckman prior to Fri., July 1

If electric utilities requested, name of festival person or electrician who will be responsible:  
Name: Thea Grigsby Telephone: 269.637.1041

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

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

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

Additional fire information: Mark all that apply

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

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

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

#### INSURANCE

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

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

#### REMINDERS

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

- Map(s)  
 Proof of Insurance Certification  
 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

March 16, 2016

\_\_\_\_\_  
Date

Please return to:  
Parks and Recreation Supervisor  
Department of Public Works  
City of South Haven  
1199 8<sup>th</sup> 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.**



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

3/15/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Hardt Insurance P.O. Box 429 511 Huron St South Haven MI 49090	<b>CONTACT NAME:</b> TOM RUMMEL <b>PHONE (A/C, No, Ext):</b> (269) 637-1181 <b>E-MAIL ADDRESS:</b> TOM@HARDTINSURANCE.COM	<b>FAX (A/C, No):</b> (269) 637-9152
	<b>INSURER(S) AFFORDING COVERAGE</b>	
<b>INSURED</b> SOUTH HAVEN CENTER FOR THE ARTS ETAL DBA 600 PHOENIX ST SOUTH HAVEN MI 49090-1410	<b>INSURER A:</b> Hastings Mutual Insurance Co. <b>INSURER B:</b> <b>INSURER C:</b> <b>INSURER D:</b> <b>INSURER E:</b> <b>INSURER F:</b>	<b>14176</b>

**COVERAGES**

CERTIFICATE NUMBER: CL1631500129

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR VVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GENL AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			CPP9871447	7/10/2015	7/10/2016	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		Y/N <input type="checkbox"/>	N/A WC 9871450	7/10/2015	7/10/2016	PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ 100,000 E.L. DISEASE - EA EMPLOYEE \$ 100,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

ADDITIONAL INSURED - CITY OF SOUTH HAVEN

**CERTIFICATE HOLDER****CANCELLATION**

ADDITIONAL INSURED CITY OF SOUTH HAVEN 539 PHOENIX ST SOUTH HAVEN, MI 49090	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE  TOM RUMMEL/TJR 
--	---

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**Department of Public Works**  
 DPW Building • 1199 8<sup>th</sup> Ave. • South Haven, Michigan 49090  
 Telephone (269) 637-0737 • Fax (269) 637-4778

## Cones and Barricades Request Form

**Requester's Name** Thea Grigsby  
**Date Requested** Friday, July 1, 2016  
**Organization/Committee** South Haven Center for the Arts  
**Mailing Address** 600 Phoenix Street  
South Haven, MI 49090  
**Office/Main Phone** 269.637.1041  
**Cell Phone** 707.342.4403

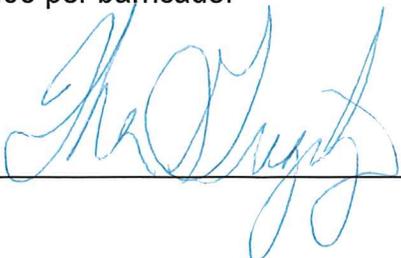
**EVENT:** South Haven Art Fair **DATE of**  
**EVENT:** July 1-3, 2016

CONES	Quantity	Who will pick up cones <i>(Please Print Legibly)</i>	Cell Phone	Pick Up Date/Time	Return Date/Time
	30	Please leave in Park Shed	707.342.4403	Fri, July 1, 2016 AM PM	Sun, July 3, 2016 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		
2	Johnston Park by Park Ave, service drive	Emily	Fri, July 1, 2016	Sun, July 3, 2016	
		269.906.0225	AM PM	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: \_\_\_\_\_



# City of South Haven

## Department of Public Works

DPW Building • 1199 8<sup>th</sup> 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:** March 25, 2016

**RE:** Special Event 2016-12 – Light up the Night in South Haven 5K

### Background Information

Light up the Night in South Haven 5K is ready for Council approval. This event is a 5K walk/run to raise funds for South Haven Public Schools. The course will begin and end at the High School (see attached map for route). The event will have music playing along the route at miles 1, 2, and finish line. There will also be pre-race activities from 5:30 to 7:00 at the school.

This event will take place on Saturday, October 1, 2016 from 5:30 pm to 9:00 pm.

### Attachments

Special Event 2016-12 Special Event Application and map

# 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.

Initial \_\_\_\_\_ Date \_\_\_\_\_

### CONTACT INFORMATION

Event Title: Light up the night in South Haven 5K walk/run

Sponsoring Organization: South Haven Public Schools

Applicants Name: Heather Chalupa

Telephone #: 631-0500 x 3029 Phone # During Event: 269-767-4451

E-mail Address: HChalupa@shps.org

### Other contacts for/during event

Name: Jenny Puvozel Telephone: 231-642-1945

Name: Allie Dubbink Telephone: \_\_\_\_\_

### EVENT SPECIFIC INFORMATION

Event Location: Race starts and ends at L.C. Mohr High School

Date(s) Requested: Saturday, October 1 Alternative Date(s): \_\_\_\_\_

Start Time: 5:30 End Time: 9:00

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

Number of people expected to attend: 750

### EVENT DESCRIPTION

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

We are hosting a 5 K walk run for a fundraiser for SHPS. The event will start/finish at the High School. Please see the map for the route. We will have music along the route at mile 1, 2 and finish line. Pre race activities from 5:30-7:00 at High 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 \_\_\_\_\_

- 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: \_\_\_\_\_ 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 Telephone: 637-5271

- 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.

We will have music at mile 1/2 during event.  
music in the parking lot at the high school.

Date: \_\_\_\_\_ Time: 7-9

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

- Signage: Prior to the event a list of all signage (example: sandwich boards, banners, etc.) and placement of the signage needs to be turned in to the city's Parks and Recreation Supervisor. Upon submission the signage requests will be reviewed by the Parks and Recreation Supervisor; additional approval may be required. **\*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 / door open at kids corner

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: We would like police services at the high school from 6:45-9 to help with crowd control. We would also like support from SHAES / PD along the route with traffic.

Will you require additional fire/ambulance services:  Yes  No

If yes, explain: \_\_\_\_\_

Additional fire information: Mark all that apply

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

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

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

**INSURANCE**

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

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

**REMINDERS**

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

- Map(s)
- Proof of Insurance Certification *\* Always updated in summer*
- Cones and Barricade Request Form (if applicable) *← Shawn Olney will be in contact for the amount and placement*
- Submitted liquor license application (if applicable)

**INDEMNIFICATION AGREEMENT**

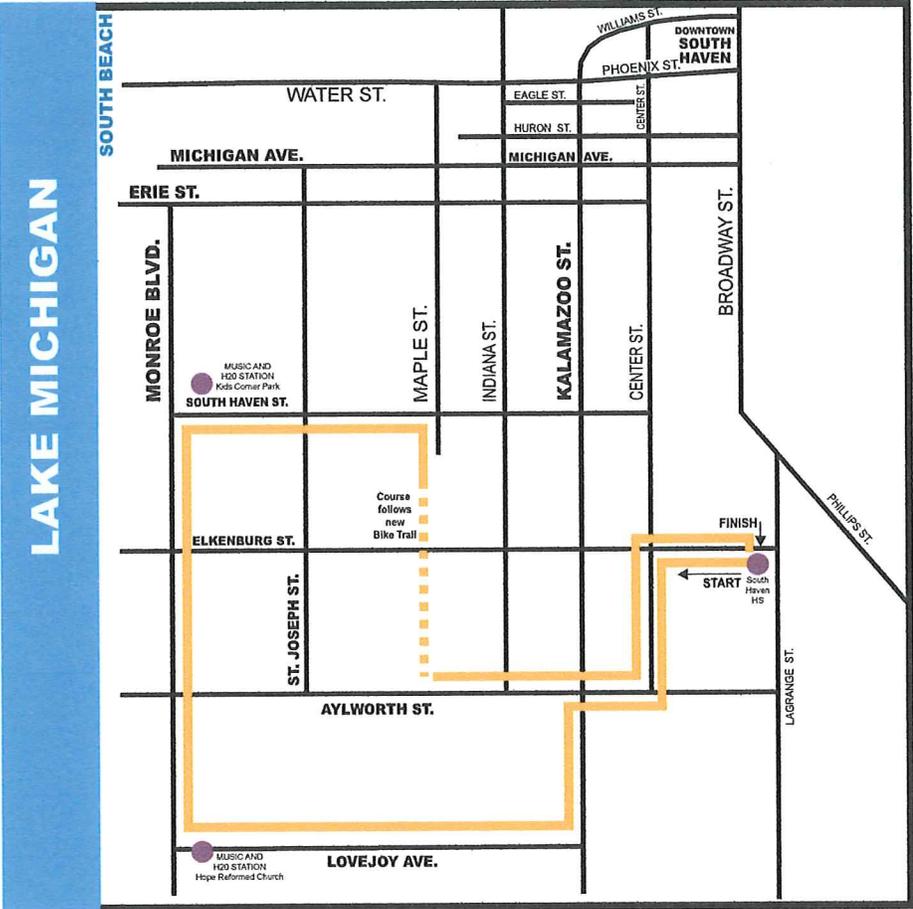
The undersigned agrees and promises, as a condition of approval of this Special Events & Festivals Application to defend, indemnify, and save harmless the City of South Haven, its agents, officials and employees from all suits, claims, damages, causes of action or demands of any kind and character arising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

*Hester Cheryl*  
Applicants Signature

3-23-16  
Date

Please return to:  
Parks and Recreation Supervisor  
Department of Public Works  
City of South Haven  
1199 8<sup>th</sup> 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.**





# City of South Haven

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## Department of Public Works

DPW Building • 1199 8<sup>th</sup> 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:** March 30, 2016

**RE:** Special Event 2016-13 – Light up the Lake Fireworks 2016

### Background Information

The fireworks committee is requesting approval of 2016 fireworks event. As with years past, the fireworks display will be fired off the North Pier over Lake Michigan. The committee is working with the City to ensure that the town is prepared for the increased crowds. They are also working with bridge tenders so there are no issues with backups at the bridge.

### Attachments

Special Event 2016-13 Special Event Application  
Certificate of Insurance

Special Event # \_\_\_\_\_

Date Received \_\_\_\_\_

**CITY OF SOUTH HAVEN****Special Events & Festivals Application**

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.

RB  
Initial

03/30/2016  
Date

**CONTACT INFORMATION**

Event Title: South Haven Fireworks - "Light Up The Lake"

Sponsoring Organization: South Haven Fireworks Committee

Applicants Name: Bob Burr

Telephone #: 616-405-2323 Phone # During Event: 616-405-2323

E-mail Address: rburr@south-haven.com

**Other contacts for/during event**

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

**EVENT SPECIFIC INFORMATION**

Event Location: City Beaches

Date(s) Requested: 07-03-2016 Alternative Date(s): \_\_\_\_\_

Start Time: 10:30 p.m. End Time: 11:15 p.m.

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

Number of people expected to attend: Unknown

**EVENT DESCRIPTION**

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

Independence Day fireworks display fired off the North Pier over Lake Michigan. The fireworks committee is working closely with the City to ensure that the town is prepared for the show and increased crowds. The committee will also be working with bridge tenders to ensure there are no issues with backups at the bridge.

## 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? See table

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: Fireworks Committee/Bob Burr Telephone: 6161-405-2323

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 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.

North Beach - DJ/Music  
\_\_\_\_\_

Date: 07-03-2016 Time: 3:00 pm - till event is over

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Signage: Prior to the event a list of all signage (example: sandwich boards, banners, etc.) and placement of the signage needs to be turned in to the city's Parks and Recreation Supervisor. Upon submission the signage requests will be reviewed by the Parks and Recreation Supervisor; additional approval may be required. **\*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: \_\_\_\_\_

**WATER FOR THE VENDOR**

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: \_\_\_\_\_

**TRAFFIC CONTROL**

Will you require additional fire/ambulance services:  Yes  No

If yes, explain: \_\_\_\_\_

WILL STAFF 3 AMBULANCES, MULTIPLE FIRE ENGINES, GRASS RIGS, AND RESCUE TRUCK

Additional fire information: Mark all that apply

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

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

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

### INSURANCE

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

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

### REMINDERS

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

- Map(s)  
 Proof of Insurance Certification  
 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

Bob Burr  
Applicants Signature

3-30-2016  
Date

Please return to:  
Parks and Recreation Supervisor  
Department of Public Works  
City of South Haven  
1199 8<sup>th</sup> 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.**

## Additional Metal (barrel) Trash Cans Set Out for 4<sup>th</sup> of July Fireworks

Location	#of Cans	Where to place
Packard Park	4	2- by bathroom 2- near beach entrance/overlook
Dyckman Access	2	1- near fence street entrance 1- near boardwalk
Dyckman & N. Shore Drive	3	These three need to be put in park way and spread evenly from corner towards North Shore Memories
Riverfront Park	12	Spread out throughout park from South Marina to the Parking lot that is East of the South Beach Bathroom
S.B. Bathroom/ Pavilion Area	8	Spread throughout this area
Van Buren Overlook	6	2 - Near sidewalks & cans that are already that are already there and 2- near bike rack
Bluff /Blue Stairs	5	2-on bluff south of Blue stairs 3- north of Blue Stairs spread evenly from Blue Stairs to Clinton St.
Kids Corner	16	10 – spread throughout open grass area 3- north Side of Play Structure near picnic tables 3- south east side of play structure between structure and restrooms
<b>Total:</b>	<b>56</b>	

---

Map	#of Porta-Potties	# of Portable Trash Containers	Dumpsters
Riverfront Park- East	0	5	0
Riverfront Park- West	12	7	0
South Beach	10	13	1
Kids Corner/Blue Stairs	10	13	0
North Beach	12	11	0
Dyckman Ave (Near Bridge)	1	1	0
Dyckman Access	<del>X</del> 2	0	1
<b>Total</b>	<b>45</b>	<b>50</b>	<b>2</b>

\*Please refer to maps in the special events application for location of porta-potties, portable trash containers, and dumpsters.

Porta-potties: Plumbers Porta Potties 269-673-9563

Needs to be delivered and set up (by company) on Wednesday, July 3<sup>rd</sup>  
(A.M.)

Needs to be removed on Thursday, July 4<sup>th</sup> (A.M.)

Portable Trash Receptacles: Reliable Disposal, Bob DeOrsey 616-262-2586

Needs to be delivered to DPW by Tuesday, July 2<sup>nd</sup>

Will be set out by parks staff on Wednesday, July 3<sup>rd</sup> (A.M.)

Needs to be emptied Thursday, July 4<sup>th</sup> (A.M.)

Dumpsters: Reliable Disposal, Bob DeOrsey 616-262-2586

Needs to be delivered to correct location (see maps) by Wednesday, July  
3<sup>d</sup>

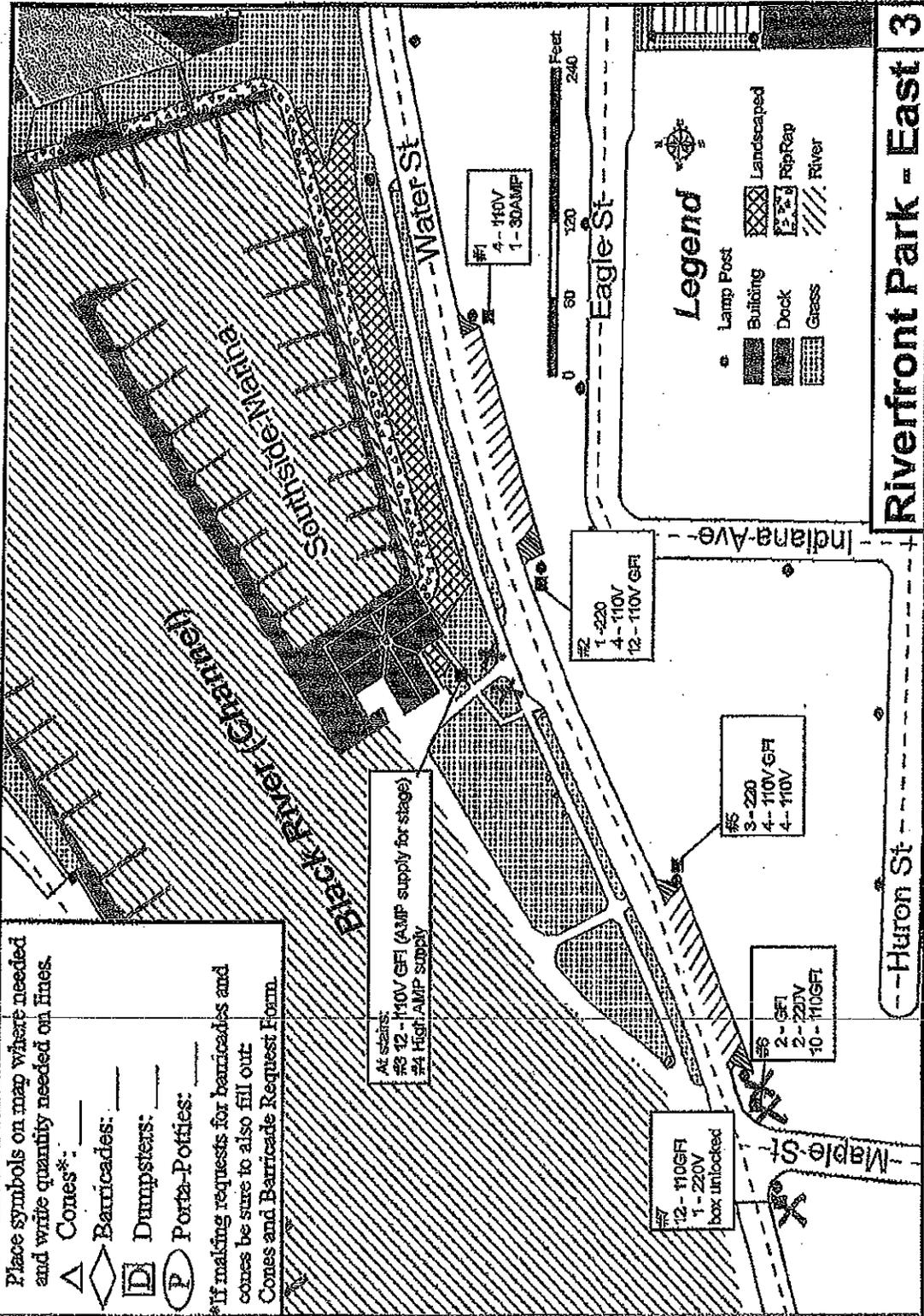
Needs to be picked up by Thursday, July 4<sup>th</sup>

# X-Portable Trash Receptacles (5)

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.





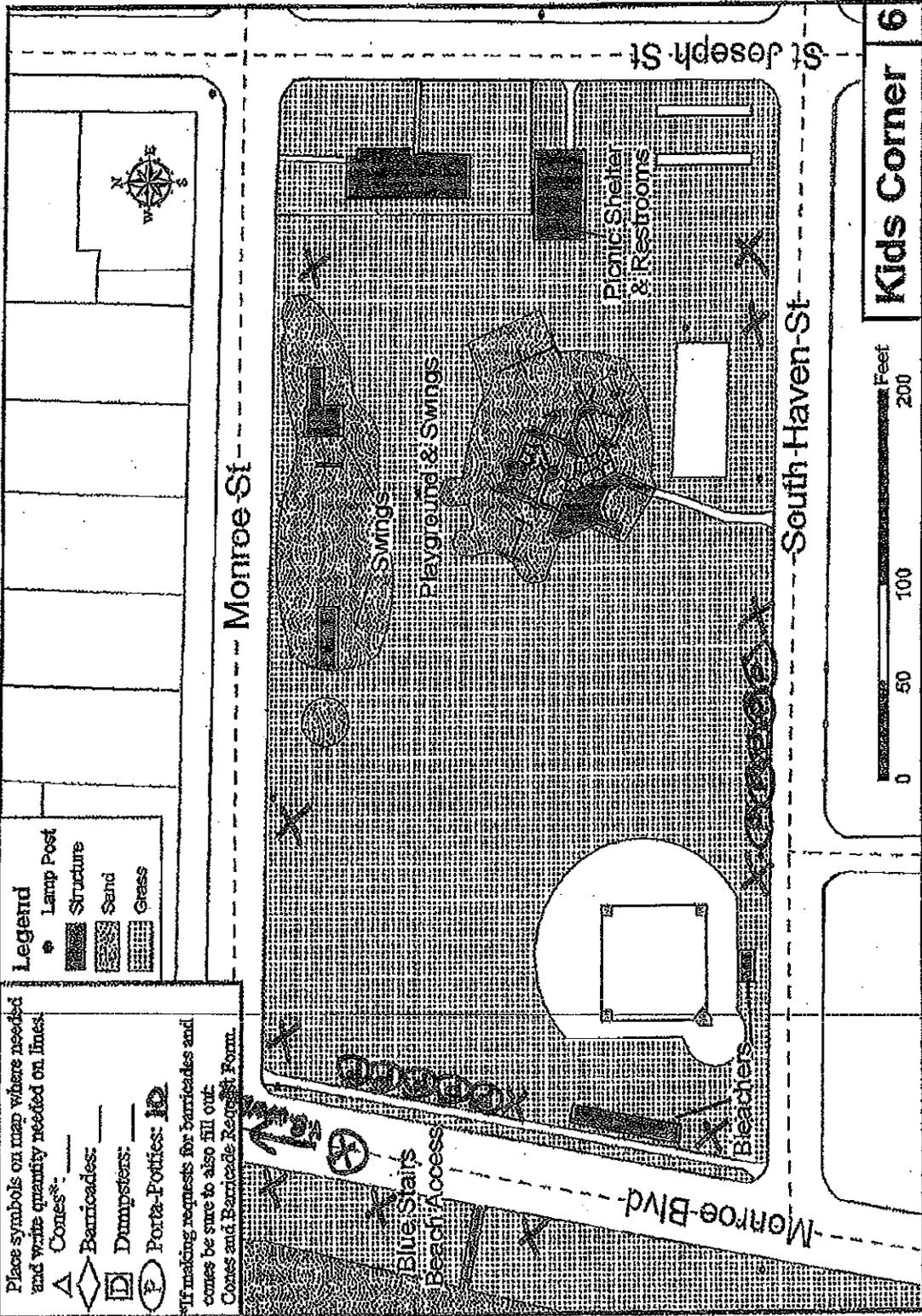
X - Portable Trash Receptacles (13)    P - Porta Potties (10)

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

▲ Cones\*  
 ◆ Barricades:  
 □ Dumpsters:  
 P Porta-Potties: 10  
 \*If making requests for barricades and cones be sure to also fill out Cones and Barricade Request Form.

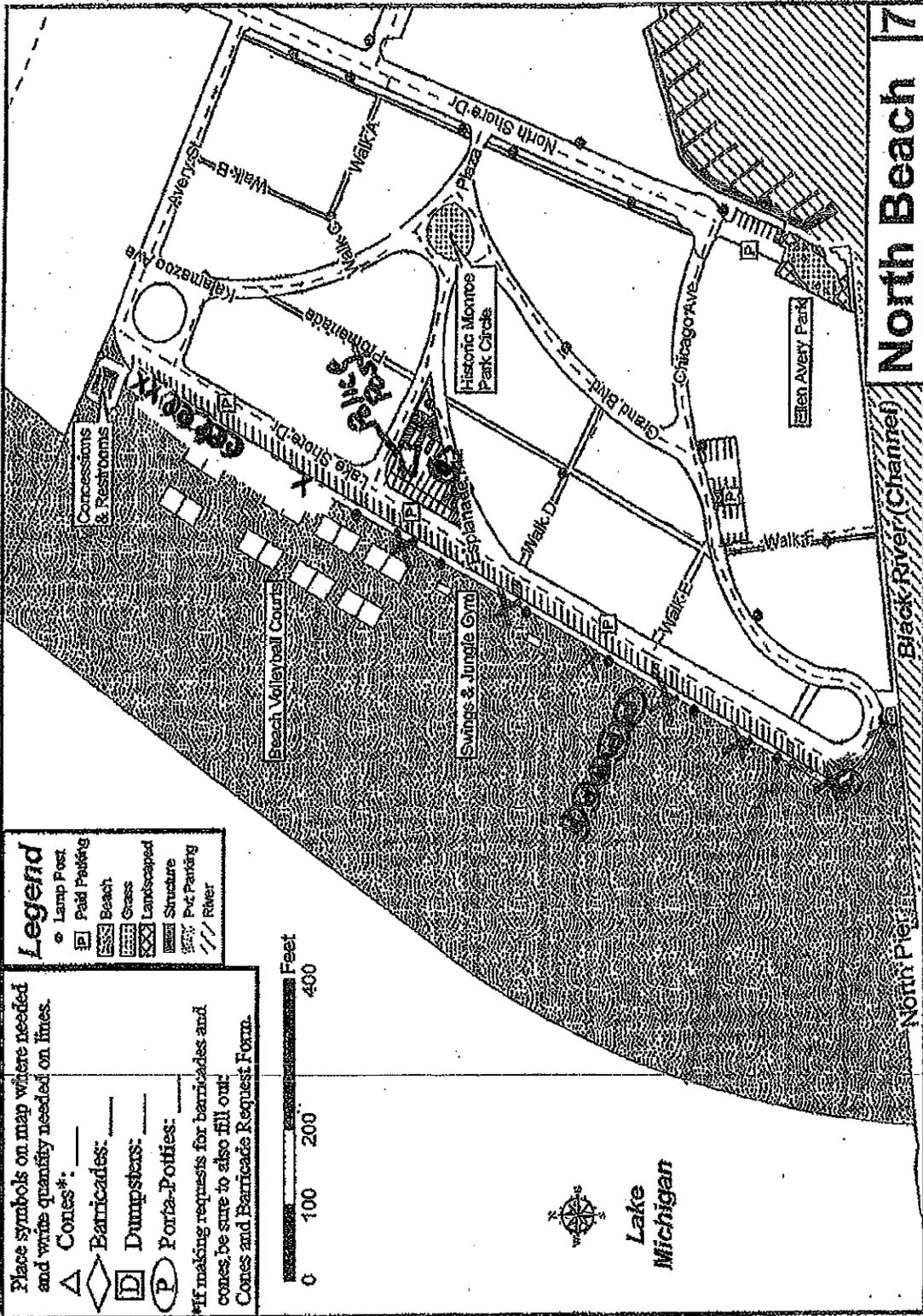
**Legend**

● Lamp Post  
 ■ Structure  
 ▨ Sand  
 ▩ Grass



Kids Corner 6

X Portable Trash Receptacles (11)    P Porta-Potties (12)



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.

- Legend**
- Lamp Post
  - Paid Parking
  - ▨ Beach
  - ▨ Grass
  - ▨ Landscaped
  - ▨ Structure
  - ▨ P+P Parking
  - ▨ River



Lake Michigan

North Beach 7

**X - Portable Trash Receptacle (1) P - Porta Poties (1)**

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

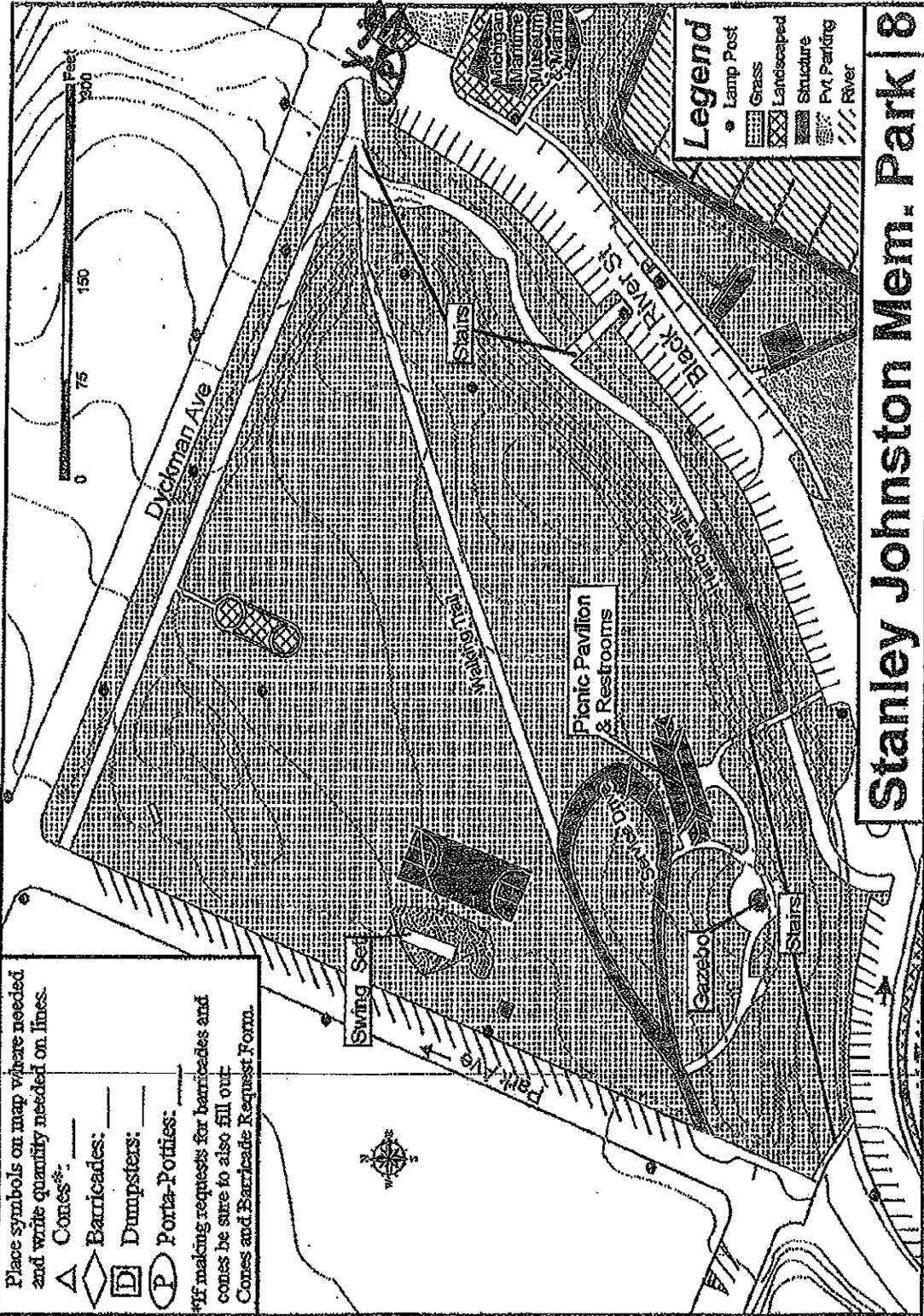
△ Cones: \_\_\_\_\_

◇ Baricades: \_\_\_\_\_

□ Dumpsters: \_\_\_\_\_

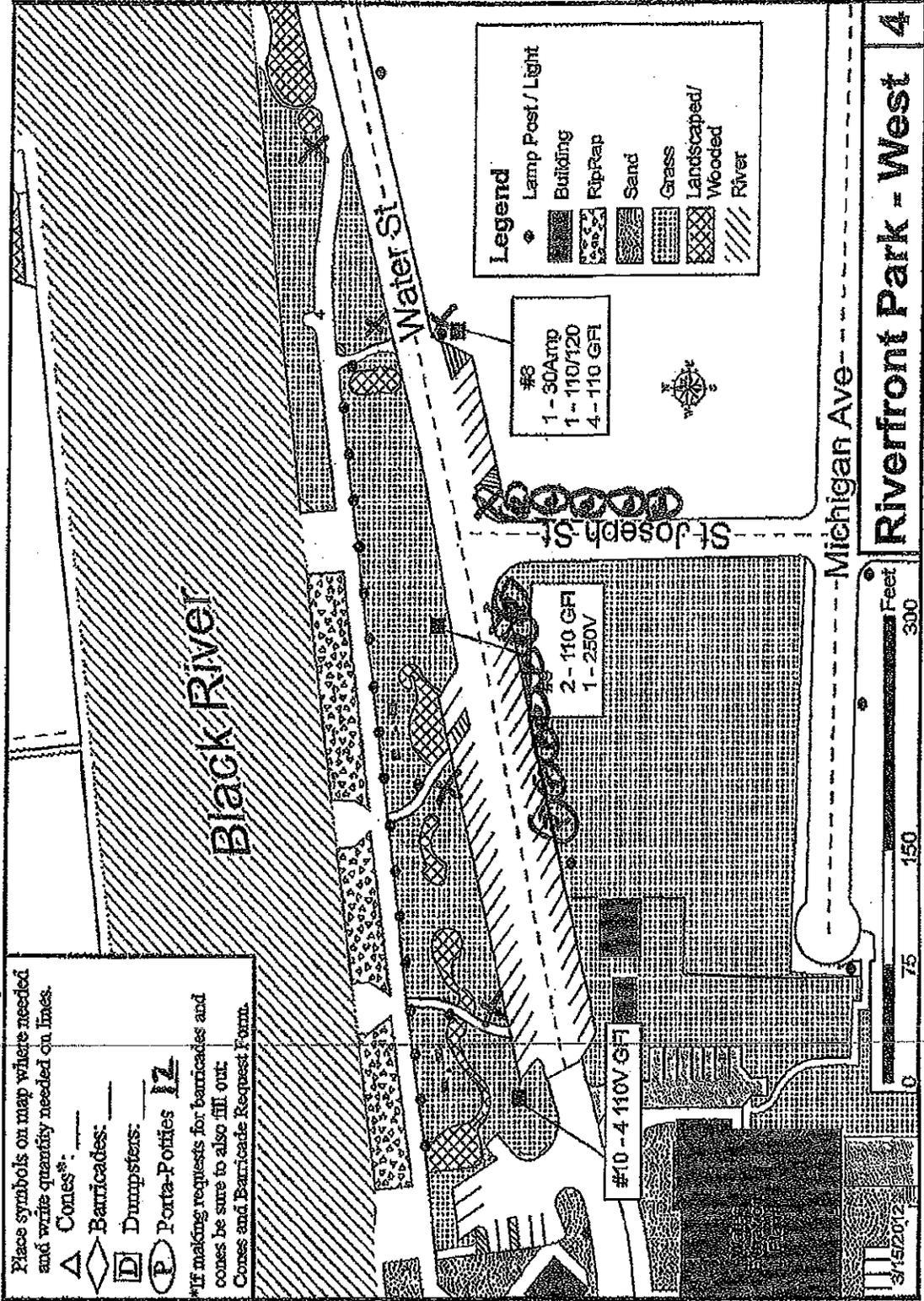
○ Porta-Poties: \_\_\_\_\_

If making requests for barricades and cones be sure to also fill out Cones and Barricade Request Form.

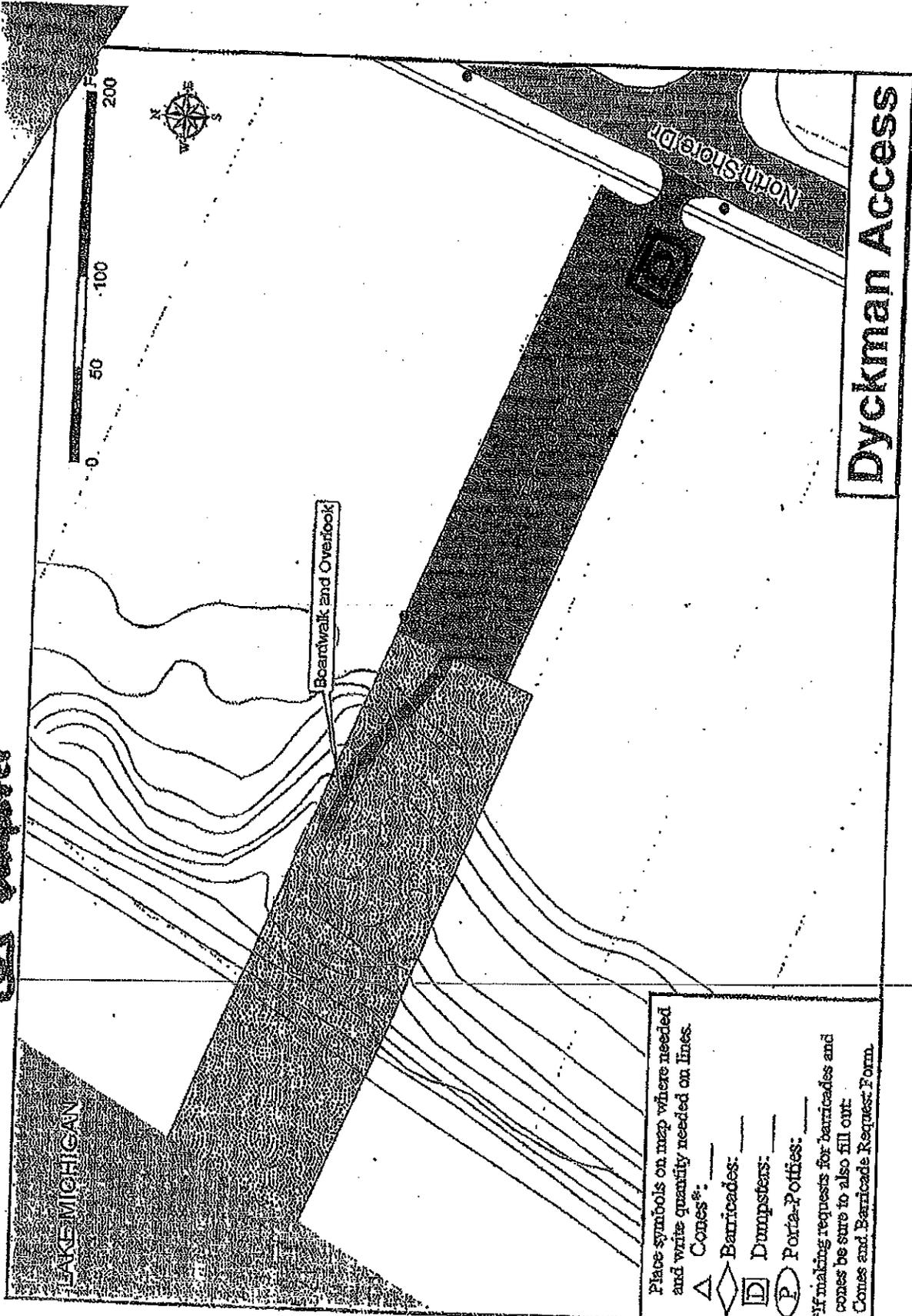


**Stanley Johnston Mem. Park 8**

# X-portable Trash Receptacles (7) (P) - Porta-Potties (12)



**[D]** Dumpster



**Dyckman Access**

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.

**Police Department Cone and Barricade Request for Fireworks 2013**

Needs to be in place during the day of July 3, 2013:

1. Erie and Monroe Blvd (1 barricade and 11 cones)
2. Water and Kalamazoo (2 barricades)
3. Michigan and St. Joseph (2 barricades)
4. Michigan and Maple (2 barricades)
5. North Shore and Dyckman (2 barricades)
6. Dyckman and Black River (2 barricades)
7. Phoenix and Center (2 barricades)
8. Broadway and Phoenix (2 barricades and 16 traffic cones)
9. Williams and Dyckman (2 barricades and 6 traffic cones)
10. Lagrange and Aylworth (2 barricades and 6 traffic cones)
11. Phoenix and 73rd St. (3 barricades and 35 cones)
12. Monroe Blvd. and Monroe St (2 barricades)
13. Monroe St. and St. Joe (2 barricades)
14. *Brockway, North Shore to Cul de sac, temporary "no parking."*  
Contact by Sgt. Thompson w/MDOT
14. Blue Star and Phoenix (3 barricades and 25 cones to close SB Blue Star)
15. Blue Star and M43 (4 barricades and 25 cones to close NB Blue Star)
16. Blue Star and M140 (3 barricades and 20 cones to close NB Blue Star)

**Totals:**

Cones: 144

Barricades: 36



**Department of Public Works**  
 DPW Building • 1199 8<sup>th</sup> Ave. • South Haven, Michigan 49090  
 Telephone (269) 637-0737 • Fax (269) 637-4778

## Cones and Barricades Request Form

**Requester's Name** South Haven Fireworks Committee/Bob Burr  
**Date Requested** 07-03-2015  
**Organization/Committee** South Haven Fireworks Committee  
**Mailing Address** 539 Phoenix Street  
 \_\_\_\_\_  
 \_\_\_\_\_  
**Office/Main Phone** \_\_\_\_\_  
**Cell Phone** 616-405-2323

**EVENT:** South Haven Fireworks - "Light Up The Lake" **DATE of** 07-03-2015  
**EVENT:** 07-03-2015

CONES	Quantity	Who will pick up cones (Please Print Legibly)	Cell Phone	Pick Up Date/Time	Return Date/Time
					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 (Please Print Legibly)	Contact Person Cell Phone	Drop Off Date/Time	Pick Up Date/Time
					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 8<sup>th</sup> 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](http://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.

- **POLICE AND FIRE PROTECTION:** The Police and Fire Departments need to know specifically what you are planning for your special event. They will need to know the type of event and time the programs will be held, the anticipated number of people expected for the event, and any special requirements you may have. Any additional costs to the City will be the organizer's responsibility.
- **INSURANCE COVERAGE:** The city requires proof of insurance (\$1,000,000) naming the City as "additionally insured".
- **NOISE:** If your event will have amplified noise you will need to indicate the date and time this noise will be made on Special Events & Festivals Form. 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. Noise must end by Midnight.
- **SANITARY FACILITIES:** Restroom facilities may be required by the local health department. Should any additional facilities be required, City personnel will determine where those facilities will be placed. The organization holding the special event will be responsible for the additional facilities.
- **STREET CLOSINGS:** If you anticipate that your special event will necessitate the closing of public streets, merchants and other property owners in the area must be informed of your request prior to City Council approval. The closing of streets for festivals/special events can be costly and inconvenient for the surrounding merchants and property owners. If street closings are required, a request outlining specific streets and intersections with time of closings and reasons should be included in your initial request to the City. Maps are available at the City Hall Customer Service Desk and at the city's website; [www.south-haven.com](http://www.south-haven.com). The Sponsoring Organization is responsible for the closing and opening of the streets and monitoring of the barricades. Major streets may require Police or Street Department personnel to close and reopen the streets. 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 from MDOT for road closure. At least one month should be reserved for this application process.
- **ALCOHOLIC BEVERAGES:** Provisions must be made for any "beer tent" or other event at which alcoholic beverages are planned. Special liquor permits are required from the Michigan Liquor Control Commission to hold any special event that has liquor for sale or tasting located on both private and public property..

Consumption of alcoholic beverages within any public park, beach, or street is prohibited unless the appropriate licensing has been obtained. The sale and consumption of alcoholic beverages may occur on publicly-owned property located within 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.**

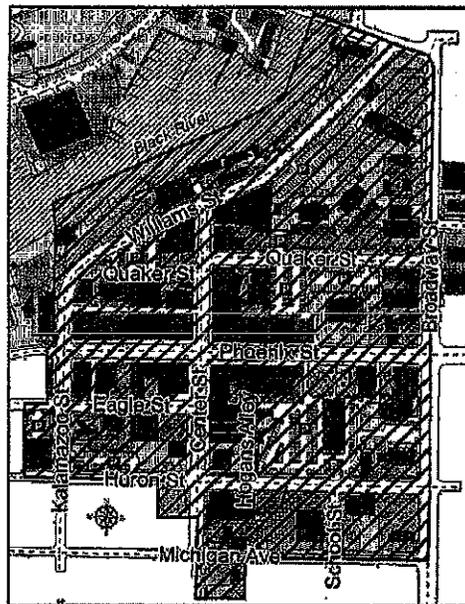
- **STREET MARKING:** Painting and marking on roads and sidewalks should be held to a minimum and paint specifically designed to wear away in a short period of time and approved by the city shall be used. Please contact the Parks and Recreation Supervisor for approved list.

- **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.
- **PARADE:** Candy or other items shall not be thrown from any moving object, vehicle or float.
- **VEHICLES IN THE PARKS:** Vehicles are allowed only on public access roads within City parks.
- **FLOWERBEDS:** When planning the locations of concessions, booths, and eating areas, every effort must be made to avoid placement near flowerbeds.
- **VENDORS/CONCESSIONS:** Any concession stand must meet the State and County Health Department requirements.

*Festival Vendor:* Operator of a removable stand or mobile vending cart licensed for a limited, specific period in association with a festival blanket vendor license. The removable stand or mobile vending cart may be left on the site for the duration of the license, and may be located on private property. The festival vendor shall be licensed by the festival organization which has been approved by the City Council to organize a special event with a blanket vendor license.

*Festival/Event Blanket Vendor License Location:* Vendor sites in an area approved under a Festival Blanket Vendor License for a specified period of time. The area in which may Vendors may operate is designated in a festival special event application. The City Council shall approve the special event and festival blanket vendor license by resolution. The festival organization approves vendors based upon their own criteria.

**Vendors and General Merchandise Concessions will not be allowed in the Central Business District (CBD).** The crossed out area on the following map gives the approximate area of the CBD.



- **CLEAN-UP AND TRASH RECEPTACLES:** All special events organizers are responsible for the removal of trash and debris caused by or related to the special event. Clean-up requirements could include the replacement of all trash receptacle liners and the removal of all debris and trash from the premises. For events attracting a large number of people, it is recommended that trash removal services be contracted with a private vendor.
- **ELECTRICAL/WATER SYSTEMS:** If you anticipate needing electric or water services for your event, you must contact the Public Works Director concerning your needs well in advance of your special event. The Public Works Director needs this information in order to insure proper utility extensions are made, if necessary. Four (4) month's advance notice is recommended for all events. 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 following the event. A manual of what the Electric Inspector will be looking for is available to you. Staff Recommends distributing the manual to vendors participating in your event.
- **TENTS AND STRUCTURES:** Be sure to specify any tents or structures that will be used for the special event. No stakes can be placed in the ground without the specific approval of the City to avoid damaging underground utilities, road and parking lot surfaces, or other infrastructure. Most damage done to the parks or roads during special events is due to staking of tents, etc. Your organization will be responsible for any damage done to the parks or streets during your special event. It's important that the special event organization has volunteers who monitor the event to insure that damage is kept at a minimum.
- **LIGHTING:** Any additional lighting for an event must be approved by City Council. If approved the event holder must ensure that the lighting will not shine on neighboring areas.
- **EVENT CANCELLATION:** The City reserves the right to cancel any event, when deemed necessary, due to security, safety, or weather-related hazards, or in the case of noncompliance with City requirements.

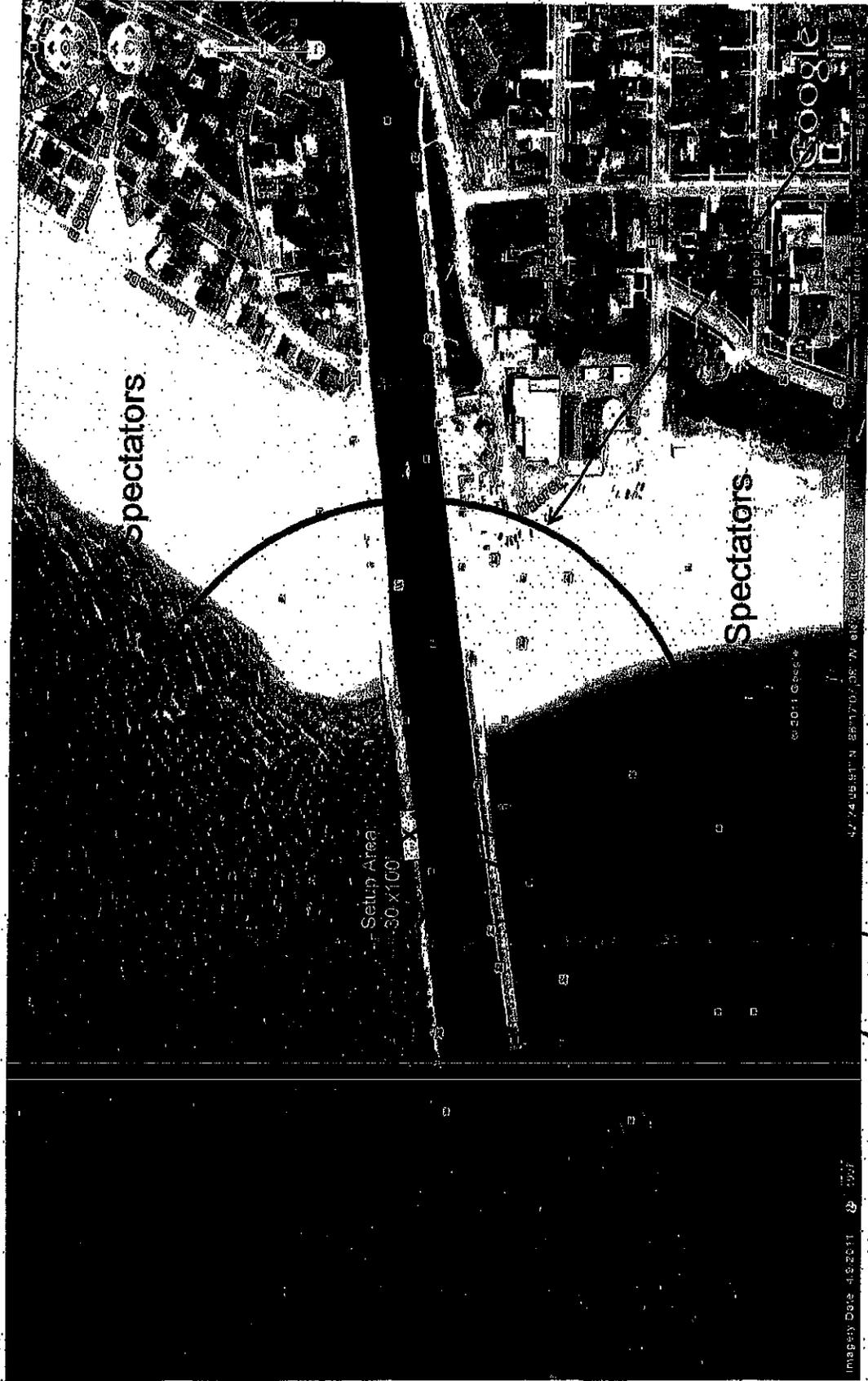
#### **CITY OF SOUTH HAVEN PARK RULES**

The following rules are adopted pursuant to the South Haven Municipal Code and the violation of these rules is a misdemeanor punishable by a fine of not more than \$500.00, or ninety (90) days in jail, or both.

1. No open intoxicants allowed except within an approved and licensed area.
2. Motor vehicles permitted on paved roads, or designated areas only.
3. Sound producing equipment including, but not limited to, public address systems, radios, phonographs, musical instruments and other recording devices, shall not be operated on the premises of the assembly so as to be unreasonably loud or raucous, or so as to be a nuisance or disturbance to the peace and tranquility of the citizens of the city.
4. No person shall break, cut, mutilate, overturn, injure, remove or carry away any tree, shrub, flower, plant, stone, stonework, bench, chair, seat, bower, playground equipment, structure, or anything whatever in or from any park or street or avenue adjacent thereto.
5. No person shall permit any animal to run at large within the public parks, nor allow any dog therein except when led by a leash.
6. Acts causing a breach of peace are prohibited. You are subject to criminal prosecution and removal from the park for up to six months.

South Haven, MI 1/22/2013

10' Limit / 3" thru 8" angles



Launch Location: X

Setup Area: 30'x100'

Radius: 700' from setup area





## Special Event Sign Request National Day of Prayer

City of South Haven

**Background Information:** The coordinators of the National Day of Prayer Service are again asking to place one (1) temporary sign on public property to promote the May 5, 2016 event. The sign is proposed for the west side of the city hall front lawn (Phoenix Street) and is 70 inches long and 29 inches high. A graphic of the proposed sign is attached to this report. The sign is proposed to be in place from Thursday, April 27 to Thursday, May 5, 2016 and will be removed immediately after the event.

**Recommendation:**

This sign request is an annual event and staff has no problem with permitting the sign.

**Support Material:**

Completed application

Respectfully submitted,  
Linda Anderson  
Zoning Administrator

City of South Haven

## Special Event Sign Application

### CONTACT INFORMATION

Event Title: The National Day of Prayer Service

Sponsoring Organization: The National Day of Prayer Committee

Contact Name: Kathy Sicard, NDP Committee Co-Chairperson

Telephone: (269) 637-7405 Cell Phone: (269) 214-2980

Email Address: ksicard@comcast.net

### SPECIFIC INFORMATION

Nature of Event: The National Day of Prayer is an annual observance held on the first Thursday of May, inviting people to pray for the nation. This is a community event involving local clergy, the Boy Scouts of America, the South Haven High School Choir, and the court of Miss South Haven.

Sign Description (picture of sign showing dimensions **must** be included): 29 inches by 70 inches



Location of sign(s) (attach drawing if needed): It will be placed a foot off the ground on the lawn to the west of the front entrance to City Hall

Date(s) sign will be displayed: We will display it for one week, from Thursday, April 27-Thursday, May 5, removing it directly following the service.





## Special Event Sign Request Old Time Baseball at Kid's Corner

City of South Haven

**Background Information:** The Historical Society of South Haven requests permission to place a temporary sign on the backstop at Kid's Corner playground. The sign, which will be 3 feet by 5 feet, is vinyl with wood backing displaying the message shown on the attached graphic. The sign will be posted from April through October, 2016.

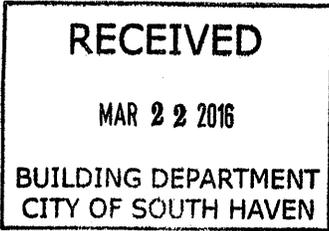
**Recommendation:**

This sign request is an annual event and staff has no problem with permitting the sign.

**Support Material:**

Completed application

Respectfully submitted,  
Linda Anderson  
Zoning Administrator



City of South Haven

Special Event Sign Application

CONTACT INFORMATION

Event Title: Vintage Base Ball

Sponsoring Organization: Historical Association of South Haven

Contact Name: Rick Olsen

Telephone: 269-639-0143 Cell Phone: 269-208-4433

Email Address: r Richard.olsen@albemarle.com - richard.olsen@albemarle.com

SPECIFIC INFORMATION

Nature of Event: Baseball Games

Sign Description (picture of sign showing dimensions **must** be included): \_\_\_\_\_

3 ft x 5 ft laminate posterboard

Location of sign(s) (attach drawing if needed): On backstop at baseball field at kids corner park

Date(s) sign will be displayed: April, 2016 through October 2016

\*\*\*\*Proof of insurance naming the City of South Haven as additional insured may be required if signage will be placed on City property, including the public right-of-way.

INDEMNIFICATION AGREEMENT

The undersigned agrees and promises, as a condition of approval of this 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 placement of said temporary signage.

Richard Olsen  
Applicants Signature

03-22-2016  
Date

Return Application to: Building Services at City Hall, 539 Phoenix Street, South Haven, MI 49090

# Kids Corner Park

## HOME OF THE

### SOUTH HAVEN BARK PEELERS

### AND PEACHES VINTAGE

### BASE BALL TEAMS



#### South Haven Bark Peelers Men's Vintage 2016 Base Ball

##### Schedule

- Saturday, May 21st, 12:00 pm - Kalamazoo Continentals and Livery Brewers at Kids Corner Field, South Haven
  - Saturday, June 11th, 12:00 pm - House of David Bobcats and Paw Paw Cobbers at Kids Corner Field, South Haven
  - Saturday, June 18th, 2:00 pm - South Haven Bark Peelers vs Paw Paw at City Park Paw Paw
  - Monday, July 4th - Bark Peelers vs. House of David and Livery Brewers at Eden Springs Field, Benton Harbor
  - Fri, Jun, July 23rd, 2th - Douglas Base Ball Festival at Berry Field, Douglas
  - Saturday, August 13th, 12:00 pm - Bark Peelers vs. Brewers and Peaches vs. Fillets at Kids Corner Field, South Haven
  - Saturday, August 20th, 2:00 pm - South Haven Bark Peelers vs Kalamazoo Continentals at Kalamazoo
  - Saturday, September 10th - Bark Peelers vs. Brewers and Peaches vs. Fillets at The Hop Yard, Benton Harbor
  - Saturday, October 1st - Hop Yard Classic, Benton Harbor
- #### South Haven Peaches Women's Vintage 2016 Base Ball Schedule
- Saturday, May 14th - South Haven Peaches vs. La Fillets at the Hop Yard, Benton Harbor
  - Saturday, July 8th - 1:00 pm Peaches vs Fillets at Kids Corner Field, South Haven
  - Saturday, August 13th, 12:00 pm - Bark Peelers vs. Brewers and Peaches vs. Fillets at Kids Corner Field, South Haven
  - Saturday, September 10th - Bark Peelers vs. Brewers and Peaches vs. Fillets at The Hop Yard, Benton Harbor

3ft

5 ft



City of South Haven

## Agenda Item #8

### Sale of Real Property

#### Background Information:

The City Council will be asked to consider approval of the sale of property to Nicholas Wiatrowski. Nick Waitrowski approached the city in December 2015 about purchasing property adjacent to his father's address of 13517 Blue Star Highway for a second home for his family. The adjacent property is on the east side of Blue Star Highway and 420' north of 14<sup>th</sup> Avenue and lies between 13517 and 13747 Blue Star Highway. Title is held by the City of South Haven's Board of Public Works with a parcel number 80-17-022-050-00. The property was a site formerly used as an electric substation and transformer storage. The driveway and transformers have been removed however the cement pads are still in place.

Due to the previous storage of transformers on the property, there may be soil contamination in the area that the transformers were used. An environmental assessment has not been performed. The cost to remove the foundations, haul away the fil material, and if necessary, handling of the contaminated soil from underneath the transformer pad area will be the responsibility of the Wiatrowski's.

The city has negotiated a purchase price for the property in the amount of \$11,000 less \$2,000 for title work and \$1,000 for surveying for a net price of \$8,000.00. As stated in the Purchase Agreement, buyer would accept the property "as is, where is" basis.

#### Recommendation:

City Council should consider a motion to sell the parcel of land numbered 80-17-022-050-00 on Blue Star Highway to Nicholas Wiatrowski for in the amount of \$8,000.00.

#### Attachments:

Draft Purchase Agreement

## REAL ESTATE PURCHASE AGREEMENT

This Real Estate Purchase Agreement is made as of \_\_\_\_\_, 2016 (the “**Effective Date**”), between the City of South Haven, a Michigan municipal corporation, of 539 Phoenix Street, South Haven, MI 49090 -(the “**Seller**”) and Nicholas Wiatrowski, a married man, of 458 S. Burk Street, Gilbert, Arizona 85296 (the “**Buyer**”).

### RECITALS

- A. The Seller owns certain vacant real property located along Blue Star Highway in South Haven Township, Michigan consisting of approximately 0.7 acres, as legally described on the attached Exhibit A (the “**Property**”).
- B. The Buyer wishes to buy the Property and intends to develop a single-family residence thereon.
- C. The parties wish to enter into this Agreement to set forth the terms and conditions of the purchase and sale of the Property and the Buyer’s development of the Property.

### TERMS AND CONDITIONS

For valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree:

1. Purchase and Sale.

- A. Seller agrees to sell to Buyer, and Buyer agrees to purchase from Seller, the Property, subject to the terms and conditions of this Agreement.
- B. The total **Purchase Price** for the Property is Eight Thousand Dollars (\$8,000), which the Buyer shall pay to Seller at the Closing (defined below) in immediately available funds.
- C. Within two (2) days after the Effective Date, the Buyer will deposit with Chicago Title Insurance Company, 225 Broadway Street, South Haven, Michigan 49090 (the “**Title Company**”) the sum of One Thousand Dollars (\$1,000) as a deposit of **Earnest Money**. At the Closing, the Earnest Money will be credited against the Purchase Price. The Earnest Money will be refunded to the Buyer if the Buyer terminates this Agreement as permitted in this Agreement or if the Seller breaches any provision of this Agreement. The Earnest Money will become the property of Seller as liquidated damages if the Buyer breaches any provision of this Agreement.
- D. THE BUYER ACKNOWLEDGES THAT THE SELLER MAKES AND HAS MADE NO REPRESENTATIONS OR WARRANTIES WHATSOEVER WITH REGARD TO THE CONDITION OF THE PROPERTY, ITS FITNESS TO ANY PURPOSE OR USE, OR THE PRESENCE OR ABSENCE OF ANY PARTICULAR SOILS, OR ANY HAZARDOUS OR TOXIC SUBSTANCES OR MATERIALS AND THAT THE BUYER ACCEPTS THE PROPERTY ON AN “AS IS, WHERE IS” BASIS. THE BUYER ALSO ACKNOWLEDGES IT HAS THE OPPORTUNITY AND IS UNDERTAKING THE SOLE RESPONSIBILITY TO INSPECT THE PROPERTY AND RECORDS CONCERNING THE PROPERTY AND IS MAKING ITS OWN JUDGMENT AS TO THE SUITABILITY OF THE PROPERTY FOR ITS USE. BY COMPLETING ITS PURCHASE OF THE PROPERTY (“**CLOSING**”), THE BUYER WILL BE ACCEPTING TITLE TO PROPERTY AND ITS CONDITION WITH NO RECOURSE AGAINST THE SELLER OR ITS PREDECESSORS IN TITLE FOR ANY CONDITION OF THE PROPERTY.

2. Title Commitment. Promptly after the Effective Date, the Buyer will order from the Title Company a commitment for an owner’s policy of title insurance at its sole cost and expense, and will deliver a copy

of the same to Seller upon receipt. At the Closing, the Buyer shall pay the cost of the premium for the owner's title insurance policy and any endorsements that Buyer desires.

3. Survey. Promptly after the Effective Date, the Buyer shall, at the Buyer's expense, order a current and accurate boundary survey of the Property (the "**Survey**").

4. Inspections. During the 30 days subsequent to the Effective Date (the "**Due Diligence Period**"), the Buyer may enter the Property and conduct, at the Buyer's sole cost and expense, such inspections, investigations, appraisals and tests of the Property as the Buyer may desire, including without limitation any environmental assessments and tests. All physical entry and activity upon the Property by or for the Buyer or its employees, agents, contractors or consultants, including environmental consultants (collectively, the "**Agents**") for any purpose under this Agreement must be performed in a manner that will not unreasonably interfere with the ongoing use of the Property by the Seller or others and must be as unobtrusive as reasonably possible. During any such entry, Buyer shall cause its Agents to obtain and maintain liability insurance against claims for personal injury or death and property damage occurring upon, in or about the Property with coverage in an amount not less than \$1,000,000 per occurrence, and naming Seller as an additional insured. The Buyer must promptly return the Property to substantially its original condition upon completion of such inspections and tests, on an ongoing basis, and must repair any and all damage to the Property caused by the Buyer or the Agents. The Buyer will enter the Property and perform inspections at its own risk and responsibility. The Buyer will indemnify, defend and hold the Seller harmless from and against any liability, cost, expense or damage caused to or incurred by the Seller as a result of any acts or omissions of the Buyer or the Agents in connection with such inspection of and entry on the Property. These indemnity obligations of the Buyer will survive any termination or rescission of this Agreement and the Closing.

5. Rezoning. During the Due Diligence Period, the Buyer shall, at its sole cost and expense, apply for and seek approval for the rezoning of the Property from the current CSC zoning district to the LDR zoning district from the Township of South Haven, which rezoning shall not become effective unless and until Buyer acquires the Property at the Closing.

6. Buyer's Right to Terminate. Buyer shall have until the end of the Due Diligence Period to inspect the Property (including the title commitment and Survey), and to conduct such tests and feasibility studies of the Property, as Buyer deems advisable. If Buyer is not satisfied with such reviews, tests or studies, or with any other matter relating to the Property, Buyer may terminate this Agreement by giving written notice of termination to Seller at any time prior to the expiration of the Due Diligence Period. If Buyer terminates this Contract pursuant to this Section, Buyer shall deliver to Seller all reports and studies relating to the Property resulting from the inspection of the Property, and all documents previously delivered to Buyer from Seller, if any. Upon such termination, the Earnest Money and any interest accrued thereon shall be returned to Buyer, and neither party shall have any further rights or obligations one to the other, except for those that expressly survive the termination of this Agreement. If Buyer does not terminate this Agreement prior to the expiration of the Due Diligence Period as provided herein, Buyer shall be deemed to have accepted and approved the condition of the Property subject to the terms hereof and the Earnest Money shall be deemed non-refundable to Buyer except in the event of Seller's breach or failure to perform under this Agreement.

7. Closing. The Closing must occur within 30 days following the expiration (or earlier waiver by Buyer) of the Due Diligence Period (the "**Closing Date**"). The Closing will occur with the Title Company or as the

parties mutually agree. On the Closing Date, the Earnest Money will be applied as a credit against the Purchase Price. At Closing, the following documents, in such form and content as is reasonably satisfactory to the Seller and the Buyer, must be executed and delivered:

- A. A covenant deed signed by the Seller, conveying good and marketable title to the Property to the Buyer, subject to all covenants, easements and restrictions of record, and to all matters shown on the Survey.
- B. A Closing statement detailing all pro rations and adjustments.
- C. A commercially reasonable owner's affidavit, if required by the Title Company.
- D. A property transfer affidavit signed by Buyer.

8. Closing Expenses and Adjustments. The Property is currently exempt from real property taxes. Accordingly, there shall be no tax pro rations for the Property at Closing. The Seller shall pay any transfer taxes associated with the conveyance of the Property. The Buyer shall pay for (i) the cost of the title commitment and any title policy issued at Closing, (ii) the cost of the Survey, (iii) the cost to record the deed, and (iv) any Closing or escrow fee charged by the Title Company.

9. Possession. The Seller shall deliver possession of the Property to Buyer at Closing in substantially the same condition as exists on the date of this Agreement.

10. Remedies. Except as otherwise specifically provided in this Agreement, the following remedies shall apply to any breach of this Agreement occurring prior to Closing:

A. The Seller's remedy for the Buyer's breach or failure to perform under this Agreement, or if Buyer gives notice of termination of the Agreement other than as permitted hereunder, will be, after giving Buyer written notice of the default(s) and the opportunity to cure within 10 days after receiving such notice: (i) termination of this Agreement and (ii) payment to the Seller of the Earnest Money.

B. The Buyer's remedy for the Seller's breach or failure to perform under this Agreement will be, after giving Seller written notice of said default(s) and the opportunity to cure same within 10 days after receiving written notice of such default(s), to terminate this Agreement by written notice delivered to the Seller prior to the Closing, and upon receipt of such notice, receive payment of the Earnest Money.

11. Brokers. Neither the Seller nor the Buyer has engaged a broker in connection with this transaction. No other fees or commissions shall be paid and the parties mutually represent and warrant to one another that none is due.

12. Entire Agreement. This Agreement constitutes the entire agreement between the parties with respect to its subject matter and it supersedes all other agreements between the parties regarding its subject matter. Any waiver, alteration or modification of this Agreement will not be valid unless in writing and duly executed by both parties.

13. Interpretation. Both parties had input into the drafting of this Agreement and had the advice of legal counsel before entering into this Agreement. Therefore, this Agreement shall be construed as mutually drafted. The captions are only for reference and shall not affect the interpretation of this Agreement. However, the recitals are an integral part of this Agreement.

14. Assignment and Benefit. No party may assign this Agreement or any rights, duties or obligations under this Agreement without the express, prior written authorization of the other party following action by such party's governing body. Such authorization shall not be unreasonably withheld, delayed or conditioned. This Agreement shall be binding on the parties and their permitted successors and assigns. However, no other parties are intended to benefit from or be beneficiaries of this Agreement.

15. Governing Law; Severability. This Agreement will be governed by the laws of the State of Michigan, without regard to its conflicts of law principles. If any term or provision of this Agreement or the application of any term or provision to any persons or circumstances shall, to any extent, be invalid or unenforceable, the remainder of this Agreement or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or enforceable will not be affected, and each term and provision of this Agreement will be valid and enforced to the fullest extent permitted by law.

16. Notices. All notices required under this Agreement must be in writing and will be deemed to have been received, and therefore given, (1) when delivered personally, (2) the actually delivered after mailing first class certified mail, return receipt requested, with postage prepaid, through the United States Postal Service, or (3) the first business day after deposit with a national overnight courier service with next day delivery requested, addressed to the party to be so notified at the address first set forth above. Any party may at any time change its address for notice to it by notice to the other party.

17. Counterparts & Facsimile. This Agreement may be executed in one or more counterparts, all of which will be considered one and the same agreement, and will become effective when one or more counterparts have been signed by each of the parties and delivered to the other party. Signatures on this Agreement, as well as on any other documents to be executed under this Agreement, may be delivered by facsimile or electronic mail in lieu of an original signature, and the parties will treat facsimile signatures and electronic mail signatures as original signatures, and be bound by this provision.

The Seller and Buyer have signed this Agreement as of the date first written above.

**SELLER:**

CITY OF SOUTH HAVEN,  
a Michigan municipal corporation

By: \_\_\_\_\_  
Robert Burr, Mayor

**BUYER:**

\_\_\_\_\_  
Nicholas Wiatrowski

By: \_\_\_\_\_  
Amanda Morgan, City Clerk

EXHIBIT A

Legal Description of the Property

Land located in the Township of South Haven, County of Van Buren State of Michigan, described as follows:

Beginning at a point on the Easterly right of way line of Highway U.S. 31 and the North line of the South 336.5 feet, of the Southwest Quarter, of the Northwest Quarter, of Section 22, Town 1 South, Range 17 West, thence East along said North line 300 feet, thence North 100 feet, thence West parallel to said North line to the Easterly right of way line of Highway U.S. 31, thence Southwesterly along said Easterly right of way line approximately 104 feet to point of beginning. Subject to easements of record.

Tax Parcel No.: 80-17-022-050-00

GRAPIDS 57671-1 401433v3



## Agenda Item # 9

### Budget Workshop Schedule

#### Background Information:

The City Council will be asked to schedule a series of budget workshops for the upcoming fiscal year.

Over the coming month, the City Council will be asked to host a series of workshop sessions to discuss the upcoming fiscal year budget. Through these conversations, elected and appointed officials will be able to refine the draft budget document, which meets the City Council's expectations.

Possible workshop dates that the City Council could consider are:

- Monday, April 20<sup>th</sup> at 6:00 p.m.
- Monday, April 25<sup>th</sup> at 6:00 p.m.
- Monday, April 27<sup>th</sup> at 6:00 p.m.

It is my hope that only one or two workshop sessions will be needed for the bulk of the budget development process. However, an additional session has been scheduled if more time is needed to discuss the budget. As a result, I am requesting that the City Council schedule one workshop session, but note that the additional workshop sessions may be needed.

#### Recommendation:

The City Council should consider a motion to schedule a budget workshop session to occur on Monday, April 20<sup>th</sup> at 6:00 p.m., at City Hall, in Conference Room B.

#### Support Material:



## Agenda Item # 10

### SHARP Farm Lease Agreement

#### Background Information:

The City Council will be asked to authorize the City Manager to issue a farm lease agreement for the city's property in Casco Township.

The City of South Haven owns approximately 96 acres of farmland in Casco Township, located north of 103<sup>rd</sup> Street and 71<sup>st</sup> Street. The property is generally known as the "SHARP Park." The property was purchased by the City of South Haven using community donations for the development of a recreation facility. The SHARP property has been leased to the South Haven Area Recreation Authority "SHARA" for the development of a recreation facility. SHARA has discussed the property and noted that funds are not currently available to construct improvements to the site. As a result, SHARA has expressed support for the property being farmed during the 2016 farming season. The benefits to farming the property are twofold: 1) the farm lease will generate revenue; 2) the farming work will provide maintenance to the property, through the removal of trash/debris from the site.

The city's staff has prepared an updated farm lease agreement, with Mr. Matthew Hamlin, which will pay \$125.00 per tillable acre. The lease calls for GPS data to confirm the total tillable acreage of the property. The city's staff has met with Mr. Hamlin and found him to be in agreement with the terms of the lease. The city's staff has consulted with SHARA about the farm lease agreement, and found the board to be supportive of the farm lease. Finally, the city's staff has consulted with Casco Township's Assessor and confirmed that the farm lease agreement will force the SHARP site to be added to the township's tax roll. Staff has confirmed that the farm lease revenue should generate approximately \$7,304 in net revenue (after maintenance and tax expenses are paid.)

Should the lease agreement proceed, staff will plan to deposit the lease revenue into the SHARP account. A portion of the lease revenue will be used to pay the taxes for the SHARP property.

#### Recommendation:

Should the City Council wish to allow the farm lease agreement for the SHARP site, the Council should consider a motion to authorize staff to proceed with the lease agreement.

#### Support Material:

DRAFT SHARP 2016 Farm Lease

## **FARM LEASE**

### Section I. Date, Contracting Parties, Description of Property and Terms of the Lease:

1. On the date of January \_\_, 20\_\_ this lease is between the City of South Haven herein called the Landlord, and Matthew Hamlin, 846 64<sup>th</sup> Street, South Haven, MI 49090, (phone: (616) 836-1778) herein called the Renter.
2. The Landlord hereby leases to the Renter to occupy and use for agricultural purposes only, consisting of approximately 96 acres north of 103<sup>rd</sup> Street and 71<sup>st</sup> (referred to as the SHARP Park) in Casco Township in Allegan County, MI.
3. This lease shall be for a period of one growing season, terminating in December 20\_\_.

### Section II. Amount of Rent and Time of Payment:

1. The annual cash rent shall be \$125.00/tillable acre, paid by December 15<sup>th</sup> of the year cropped.
2. The parties agree that if the crop/harvest is interrupted so as to accommodate further development of the property, the City will agree to reimburse the "farmer" for his costs plus a factor, say 10%, or at a discount to the prevailing market rate.
3. The parties agree that the total tillable acreage of the site shall be verified using GPS to measure the site.

### Section III. The Landowner Agrees To:

1. Furnish the land and the improvements located thereon referred to in Section I.
2. Pay all the taxes and the assessments against the real estate and all taxes on the Landowner's personal property on the farm.

### Section IV. The Renter Agrees To:

1. Follow the farming practices that are generally recommended for and are best adapted type of farm and for this locality unless other practices are agreed upon.
2. Furnish all labor, power machinery, moveable equipment, all operation and maintenance expenses therefore to plant, cultivate, and harvest the crop.
3. Follow generally recommended practices in plowing, planting and cultivating to prevent excessive loss of soil and water through sheet erosion. Control gullies in their early stages.
4. Neither assign this lease to any person or persons nor sublet any part of the real estate for any purpose without notice to the Landowner.
5. Yield peaceable possession of the farm at the termination of this lease.
6. Not burn cornstalks, straw or other crop residue grown upon the property.
7. Hold Landowner harmless against any damages to persons or property sustained while conducting farming activities.

### Section V. Rights and Privileges:

1. The Landowner or anyone designated by him shall have the right of entry at any mutually convenient time to inspect his property and/or the farming methods being used.

Section VI. Enforcements of Agreements:

1. Failure of either the Landowner or the Renter to comply with the agreements set forth in this lease shall make him liable for damages to the other party. Any claim by either party for such damages shall be presented, in writing, to the other party, at least 30 days before the termination of this lease.
2. If either or both of the parties to this lease die during the term of the lease, the provisions of this lease shall be binding on the heirs, executors, administrators, and assigns of the party or parties involved.

IN WITNESS WHEREOF, this lease has been signed the date first above written.

**LANDOWNER:** \_\_\_\_\_

**NOTARY:** \_\_\_\_\_

**RENTER:** \_\_\_\_\_

**NOTARY:** \_\_\_\_\_



## Agenda Item # 11

### Short Term Rental Ordinance Introduction Planning Commission Recommendations

#### Background Information:

The Planning Commission began actively working specifically on the rental ordinance the beginning of October 2015, meeting weekly following the City Council directive to create recommendations for their consideration.

Before that directive, the Planning Commission was already working on zoning ordinance amendments designed to alleviate some of the issues associated with short term rentals. Amendments proposed included:

- Eliminate the ½ story provision and reduce residential height from 40 to 35 feet
- Require additional parking for new residences with greater than 3 bedrooms. This requires more lot side and rear lot space dedicated to parking and limiting the proposed building footprint.

The City Council also adopted increased utility and hookup fees for houses with more than 4 bedrooms and/or bathrooms and authorized a dedicated police officer to enforce noise and disturbing the peace ordinances during summer months. These amendments and policy changes went into effect the end of 2015.

As part of the Planning Commission effort to create the recommendations for City Council, the planning commissioners and staff studied ordinances from other cities and contacted the administrators to find which options met with the most success. They also met with police department representatives to discuss noise concerns and complaints received during the high rental season.

Staff and planning commissioners received numerous emails, phone calls and public comments offering advice on the recommendations. Staff met with members of the public frequently to discuss various opinions on the proposed ordinance.

On November 16, 2015, the City Council approved a resolution placing a six-month moratorium on the construction of new residences to halt the construction of purpose built short term rental houses that would exceed 3500 square feet in size. This moratorium will expire on May 16, 2016.

The Planning Commission determined that the best ordinance could only be enacted after the city processes the registration information and has an understanding of where the short term rentals are most prevalent in the city. This information will be used to review and revise the

ordinance in the fall and be folded into the planned comprehensive citizen attitude survey results that will be conducted as part of the master plan update.

The key points in the draft recommendations include:

- **Registration:** Every rental registered; fee not to exceed administrative costs; high penalty for failure to register; registration card shall be placed in a window and shall include occupancy limit for the residence
- **Occupancy:** 2 persons per bedroom plus 2 additional persons per occupied floor or 16 occupants, whichever is less. Children 6 and under are not included.
- **Regulations and procedures to allow increased occupancy in certain zones where multi-family homes, condominium projects, inns and resorts are permitted.** Additional regulations include built-in fire suppression measures, supplementary setbacks, screening and isolation from other properties.

### **Recommendation:**

On March 24, 2016, the Planning Commission voted unanimously to forward the proposed amendments to City Council with a recommendation for adoption. The only change included in the recommendation from the public hearing documents was a modification from 48 hours to two (2) nights as the minimum time allowed for a rental unit.

The Planning Commission also recommends that the short term rental ordinances be revisited once all the registration information is received and processed.

It is also advised that City Council hold hearings on the amendments to the Noise Ordinance (City Code Section 30-28) and on the new Section 54-116 concerning Nuisance gathering.

### **Attachments:**

1. Chronology of planning commission activities related to rental ordinance amendments
2. Public hearing notice for zoning and regulatory amendments
3. Proposed zoning ordinance amendments
4. Proposed regulatory ordinance amendments
5. *\*Noise ordinance amendment*
6. *\*Nuisance Gathering ordinance*
7. Planning Commission minutes of public hearing and recommendation to City Council
8. Good Neighbor policy

*\*The Planning Commission did not hold hearings on these ordinances.*

Respectfully submitted,  
Linda Anderson  
Zoning Administrator

## **Chronology of Planning Commission Activities Related to Short Term Rental Ordinances**

**May 5, 2015** – The planning commission zoning subcommittee, which had been meeting weekly to consider minor ordinance amendments, met to discuss possible zoning ordinance amendments that could help ease short term rental impacts on residential neighborhoods. City staff had been receiving numerous complaints about the negative effect of large, purpose built rentals in the residential neighborhoods. Topics of discussion included lowering the maximum height of residential structures from 40 feet to 35 feet, requiring additional off-street parking for larger rentals and the possibility of restricting free standing rental signs.

Amendments were subsequently drafted to include parking and house size in the proposed amendments but there was little to be done legally about the sign issue.

**October 14, 2015** – Subcommittee met to review final drafts of parking and height regulations.

**October 21, 2015** – The subcommittee met with city attorney and deputy police chief after receiving authorization from city council to begin drafting a short term rental ordinance. Members began collecting and reviewing ordinances from other lake front communities.

**October 28, 2015** – The city manager met with the subcommittee members to discuss some of the ideas brought forth by city council and offered any assistance necessary to accelerate the ordinance process. City council ideas for the ordinance included increased site plan review requirements for short term approvals and the possibility of adding additional police during the summer months to respond to noise and public disturbance complaints.

**November 5, 2015** – The subcommittee met to continue working on the draft, focusing on parking, short term rental house size and noise.

**November 13, 2015** – The planning commission held a special meeting to make a recommendation to city to impose a six month moratorium on all new and remodeled houses which would exceed 3500 square feet in size and have more four bedrooms or toilets.

**November 16, 2015** – City council adopted the moratorium.

**November 18, 2015** – Working with the city attorney, the planning commission began reviewing the draft short term rental ordinance.

**December 3, 2015** – Planning commission held a public hearing for a number of zoning ordinance amendments, including a reduced residential height and additional parking requirements for houses with over 3 bedrooms. Proposed amendments moved on to city council.

Additional meetings were held on the following dates with staff conferring with the city attorney to refine the draft ordinances between meetings:

**January 13, 2016**

**January 27, 2016**

**February 3, 2016**

**February 10, 2016**

**February 17, 2016**

**February 24, 2016**

**March 3, 2016** – Final review of draft ordinance before the planning commission meeting at which the public hearing date will be set for March 24, 2016.

**March 24, 2016** – Public Hearing held by Planning Commission.

# **PUBLIC HEARING NOTICE**

## **CITY OF SOUTH HAVEN** **PLANNING COMMISSION**

On March 24, 2016 at a special meeting of the Planning Commission which will begin at 7:00 P.M. at City Hall, 539 Phoenix Street, South Haven, there will be public hearing held concerning proposed amendments to the Zoning Ordinance and City Code of Ordinances. The amendments are related to the regulation of short term rentals in the City. A summary of the proposed amendments follows:

### **Summary of Proposed Short Term Rental Zoning Ordinance Amendments**

Article 201 – Definitions:

A definition added for “compensation”

The definition for Dwelling has been shortened to read, “A building containing one or more dwelling units”. Removed are references to types of dwellings such as mobile homes, travel trailers and motor homes.

The definition for Dwelling Unit has been changed to, “A building or portion thereof that is designed for human occupancy and provides complete living facilities, including permanent provisions for sleeping, eating, cooking and sanitation”. The reference to one-family has been deleted.

Sec 201.12 had added the reference to rental periods of less than 48 hours to the definition of Lodging Rental.

The following definition for Short Term Rental has been added:

“Short-term Rental: The rental of a dwelling unit for compensation for a term of less than 30 days and more than 48 hours. However, the rental of the following facilities shall not be considered short-term rentals: (i) attached dwelling units in a multi-family dwelling condominium project, and (ii) transitional houses operated by a charitable organization, group homes such as nursing homes and adult-foster-care homes, substance-abuse rehabilitation clinics, mental-health facilities, and other similar health-care related facilities”.

The Articles regulating the residential zones (R1-A, R1-B, R1-C, RM-1 and R-2) have been amended to allow short term rentals as a permitted use. The same was added to the B-3 zone with the existing requirement for a special use permit.

**Summary of Proposed  
Short Term Rental  
City Code of Ordinances Amendments**

Requires registration of all short term rentals in the city. Registration requirements include, but are not limited to, the owner of the unit, number of bedrooms in the unit, a contact person within 45 miles of South Haven, the length of the typical rental period and a statement certifying that the unit has working smoke alarms and carbon monoxide detectors. The owner will also need to provide evidence that the personal property tax exemption is legally appropriate or not being used.

The maximum number of occupants allowed in a dwelling unit during a short-term rental lease shall not exceed the lesser of: 16 total occupants; or 2 occupants per bedroom plus two additional occupants per finished story meeting the applicable egress requirements for occupancy in the Michigan Construction Code. (Occupants are defined as all persons over six year of age.)

In the RM-1 (Multiple Family Residential), B-3 (Waterfront Business) and R-2 (Two Family Residential) zones, the number of occupants may be increased to 24 by the planning commission if certain standards are met. These standards include specific fire suppression construction and adequate screening and setback distances. This permit is discretionary and not automatic.

The ordinance also provides for penalties and revocation of permits.

A separate “**Good Neighbor Policy**” sheet has also been prepared for every registered rental owner to share with renters. The policy includes city codes related to noise, pets, trash collection and parking.

The complete draft text may be reviewed during regular City Hall business hours and on the city website. Written comments will be received until 4:00 P.M., March 24, 2016 at City Hall. All interested parties will be heard at the meeting.

Linda Anderson, Staff  
Planning Commission  
269-637-0760

**CITY OF SOUTH HAVEN  
VAN BUREN COUNTY, MICHIGAN**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND SECTIONS 201.2, 201.3, 201.4, 201.12, 201.19, 401,  
406, 501, AND 901 OF THE SOUTH HAVEN ZONING ORDINANCE TO REGULATE  
SHORT-TERM RENTALS**

The City of South Haven Ordains:

Section 1. Amendment. Sections 201.3, 201.4, 201.12, 201.19, 401, 406, 501, and 901 of the South Haven Zoning Ordinance are amended to read as follows:

**Sec. 201.3. "C".**

**Campground:** A parcel or tract of land under the control of a person in which sites are offered for the use of the public or members of an organization, either City of South Haven Zoning Ordinance October 4, 2010 free of charge or for a fee, for the establishment of temporary living quarters for five (5) or more recreational units.

**Campsite:** An area designated for the exclusive, temporary use of a single recreational unit.

**Carry-out Food Establishment:** A business establishment so developed that its retail or service character is dependent upon the preparation of food for consumption off the premises.

**Carport:** A partially open structure, intended to shelter one or more vehicles. Such structures shall comply with all yard requirements applicable to garages.

**Cemetery:** Property, including crematories, mausoleums, and/or columbariums, used, or intended to be used solely for the perpetual interment of deceased human beings or customary household pets.

**Certificate of Occupancy:** A document signed by the Building Inspector as a condition precedent to the commencement of a use or the occupancy of a structure or building, which acknowledges that such use, structure, or building, complies with the provisions of the Building Code.

**Certificate of Zoning Compliance:** A document signed by the Zoning Administrator as a condition precedent to the commencement of a use or the occupancy of a structure or building, which acknowledges that such use, structure, or building, complies with the provisions of the Zoning Ordinance.

**Change of Use:** A use of a building, structure, or parcel of land, or portion thereof, which is different from the previous use in the way it is classified in this Ordinance or in the Building Code, as amended.

**Changeable Message Board:** A sign which identifies a business, institution or organization on the premises of which it is located and which contains the name of the business, institution or organization, the names of individuals connected with it, and general announcements of events or activities occurring at the institution or similar messages such as products on sale, the price of a product or a special service opportunity.

**Church:** A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

**Club:** An organization of persons or a group of persons associated for a common purpose or a special purpose for promotion or engaging in sports, recreational and social activities, arts, sciences, literature, politics or the like, but not operated for profit and open only to members and not to the general public.

**Communication Tower:** A radio, telephone or television relay structure including but not limited to monopole, skeleton framework, or other design which is attached directly to the ground or to another structure, used for the transmission or reception of radio, television, microwave, or any other form of telecommunications signals.

**Comprehensive Plan:** The plan adopted by the Planning Commission pursuant to Public Act 33 of 2008, as amended, including text, maps and graphic proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the municipality, the relationship of land uses to one another, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

**Condominium Project:** Means a plan or project consisting of not less than two (2) condominium units if established and approved in conformance with the Condominium Act (Act 59 of the Public Acts of 1978).

**Condominium Master Deed:** See Master Deed.

**Condominium Subdivision:** A division of land on the basis of condominium ownership, pursuant to the Condominium Act and which is not subject to the provisions of the Subdivision Control Act of 1967, Public Act 288 of 1967, as amended.

**Condominium Subdivision Plan:** The drawings attached to the master deed for a condominium subdivision which describe the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location and size of common elements.

**Condominium Unit:** Means that portion of a condominium project or condominium subdivision which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. The owner of a condominium unit also owns a share of the common elements. The term "condominium unit" shall be equivalent to the term "lot", for purposes of determining compliance of the site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, and maximum lot coverage.

**Conflict of Interest:** Participation by a member of the Zoning Board of Appeals, Planning Commission, or City Council in a public hearing, lobbying, or voting on a matter in which the property in question is owned, leased, rented or is proposed to be developed by the member; is owned or is to be developed by a relative, boss or close friend of the member; or involves a party with whom the member shares a financial interest, such as a partner, borrower, lender, renter or investor; or is property which abuts or is near property owned by the member and the member does not feel he/she can objectively evaluate the request and vote in an unbiased manner. This definition applies to any matter being decided under the Zoning Ordinance. Charter provisions or conflict of interest provisions in other Ordinances shall guide other decisions unless the City Attorney or a Court of Law rules otherwise.

**Convalescent or Nursing Home:** A structure whose principal purpose is the provision of sleeping, eating and gathering rooms where persons afflicted with illness, injury, or an infirmity are housed or lodged, often for extended periods of time, and who are furnished with meals and nursing care.

**Compensation: Money or other consideration given in return for services, or for the right to occupy or possess a property.**

**Sec. 201.4. "D".**

**Day Care Center (Child Care Center):** A facility, licensed by the State of Michigan, receiving one or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility, which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child care center or day care center does not include any of the following:

1. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a church or other religious organization where children are in attendance for not greater than 3 hours per day for an indefinite period, or not greater than 8 hours per day for a period not to exceed 4 weeks during a 12-month period.
2. A facility operated by a church or other religious organization where children are cared for while persons responsible for the children are on the premises.

Day Care (Family, Home): A licensed day care center as an accessory use in a private home in which at least 1 but less than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

Day Care (Group, Home) or Day Nursery: As defined in PA 116 of 1973, MCL 722.111, a "group day care home" means a licensed day care center in a private home as an accessory use in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

Day Care (Private, Home): A private residence in which a day care center operator licensed by the State of Michigan permanently resides as a member of the household, which residency shall not be contingent upon caring for children or employment by a licensed or approved child placing agency. Private home includes a full-time foster family home, a full-time foster family group home, a group day care home, or a family day care home.

Deck: An unroofed structure, generally with a pole or pier foundation, used for outdoor living purposes which may or may not be attached to a building and which protrudes more than four (4) inches above the finished grade. (See Section 1722.)

Deed Restriction: A restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the County Register of Deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant. Unless the City has an ownership interest in the property, a deed restriction is enforced by the parties to the agreement, not by the City.

Density: The number of dwelling units situated on or to be developed on a net acre (or smaller unit) of land, which shall be calculated by taking the total gross acreage and subtracting the area in rights-of-way for streets and roads. (See Figure 2-6 and definitions of Lot Area, Gross and Lot Area, Net).

Detached Dwelling: A dwelling unit that is not attached to any other dwelling unit by any means.

Development: A parcel of land with one or more structures and a legal use.

District (or Zone): A portion of the incorporated area of the municipality within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

Drive-in: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

Driveway: A means of access for vehicles from a street or approved alley across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot, that is located and constructed in accordance with the requirements of this Ordinance and any other requirements of the City, the County Road Commission or State of Michigan (depending on which entity exercises authority over the street from which driveway access is derived).

~~Dwelling: A structure designed for occupancy by one (1) family for residential purposes that is either permanently affixed to the ground, like a dwelling unit, or is a mobile structure like a travel trailer, or motor home. A building containing one or more dwelling units.~~

~~Dwelling Unit: A building, or portion thereof, designed as a self-contained unit for occupancy by one (1) family for residential purposes and having bathroom and cooking facilities. A building or portion thereof that is designed for human occupancy and provides complete living facilities, including permanent provisions for sleeping, eating, cooking and sanitation.~~

Dwelling, One-Family: A dwelling unit designed for occupancy by one (1) family; also known as a single-family dwelling.

Dwelling, Two-Family: A building containing two (2) dwelling units designed for occupancy by two (2) families living independently of each other; also known as a duplex. A structure with two independent housekeeping units with independent entrances and independent cooking, eating, living, sleeping and sanitary facilities shall be considered a two-family dwelling, unless there is a shared common living area joining the housekeeping units.

Dwelling, Multiple-Family: A building or a portion thereof, designed for occupancy of three (3) or more families living independently of each other. A structure with three or more independent housekeeping units with independent entrances and independent cooking, eating, living, sleeping and sanitary facilities shall be considered a multiple-family dwelling, unless there is a shared common living area joining the housekeeping units.

**Sec. 201.12. "L".**

Loading Space: An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lodging Rental: A lodging unit secured for transient or temporary occupancy for compensation, which may include but is not limited to, daily fees for a hotel room, motel room, bed and breakfast room, or residential dwelling unit rented **for a period of less than 48 hours**. (See Section 1738).

Landscaping structure: A structure intended as an exterior decoration, often associated with plantings, which is open to the sky, and does not support either a floor or a closed roof, including an arbor, gateway arbor, shade arbor, trellis, retaining wall, raised garden bed, ornamental fence post, pillar, monument or statue.

Lodging Unit: A hotel, motel, and bed and breakfast room or suite, which is used for temporary or transient lodging in exchange for compensation. Additionally, any residential dwelling unit rented for a period of less than 48 hours, or offered or advertised as a daily rental, shall be considered a lodging unit, and its use shall not be classified as a residential use. (See Section 1738).

Lot: Land described in a recorded plat or by metes and bounds description, including a condominium unit in a site condominium subdivision, occupied or to be occupied by a building, structure, land use or group of buildings having sufficient size to comply with the frontage, area, width-to-depth ratio, setbacks, yards, coverage and buildable area requirements of this Ordinance, and having its principal frontage upon a public street or on a private road approved by the City (see Figure 2-4). A lot may or may not be specifically designated as such on public records. A lot may consist of: (a) a single lot of record; (b) a portion of a lot of record; (c) any combination of complete and/or portions of contiguous lots of record; or (d) a parcel of land described by metes and bounds, provided that in no case of a lot division or combination shall the width or depth of any lot or parcel created including residuals be less than that necessary to comply with the requirements of this Ordinance.

Lot Area. The area of a horizontal plane contained within the lot lines and right of way lines of a parcel, not including any area within a public right of way, or the 100 year Flood Plain as established by the Flood Insurance Rate Map promulgated by the Federal Emergency Management Agency as referenced within Section 1613.

Lot, Corner: A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred and fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred and thirty-five (135) degrees.

Lot Coverage: The amount of a lot, stated in terms of percentage, which is covered by all buildings, and/or structures located thereon. This shall be deemed to include all buildings, roofed porches, arbors, breezeways, patio roofs, whether open box types and/or lathe roofs, or fully roofed, but shall not be deemed to include fences, walls, or hedges used as fences, unroofed decks (four inches or less above the finished grade) or patios or swimming pools. Lot coverage shall be measured from the drip line of the roof or from the wall or foundation if there is no projecting portion of the roof.

Lot, Depth of: The average distance from the front lot line of the lot to its opposite rear line measured in the general direction of the side lines of the lot (see Figure 2-5).

Lot, Flag: A lot whose access to the public street is by a narrow, private right-of-way that is either a part of the lot or an easement across another property. See Figures 2-4 and 2-7.

Lot Frontage: The length of the front lot line. Lot, Interior: Any lot other than a corner lot, which, with the exception of a "through lot", has only one lot line fronting on a street (see Figure 2-4).

Lot Lines: The lines bounding a lot as defined herein and illustrated on Figure 2-7:

1. Front Lot Line: In the case of an interior lot, that line separating said lot from the street, private road, or other access easement. In the case of a through lot, that line separating said lot from either street, private road, or other access easement. (See Section 1715).
2. Rear Lot Line: That lot line opposite the front lot line. In the case of a through lot or a lot having frontage on more than one street, the line, which is opposite, the street address selected by the owner. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least ten (10) feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line.
3. Side Lot Line: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of Record: A lot which is part of a subdivision and is shown on a plat, or a parcel of land, the dimensions of which are shown on a document or map, or a parcel of land described by survey or metes and bounds which is the subject of a deed or land contract and, in all three cases, that was legally created and legally existing at the effective date of this Ordinance, February 3, 1983, as such lot was depicted and dimensionally configured on such date, and is on file with the County Register of Deeds, or in common use by municipal or county officials and which actually exists as so shown, or any part of such parcel held in an record of ownership separate from that of the remainder thereof. For the purposes of Article XVI, a lot of record only includes lots, which predate the effective date of the high-risk erosion designation.

Lot, Through: Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot (see Figure 2-4). In the case of a row of through lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

Lot, Waterfront: A lot having a property line abutting the Black River and/or Lake Michigan.

Lot Width: The horizontal straight-line distance between the side lot lines, measured between the two points where the line establishing the setback for the front yard intersects the side lot lines.

Lot, Zoning: A single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one or more lots of record.

**Sec. 201.19. "S".**

Satellite Antenna: See definition in Section 1729.1.

Seasonal Mobile Home Park: A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual or temporary basis but occupied on a temporary basis only, and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home. Seasonal mobile home park does not include a campground licensed pursuant to sections 12501 to 12516 of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.12501 to 333.12516 of the Michigan Compiled Laws.

**Setback:** The distance required to obtain minimum front, side or rear yard open space provisions of this Ordinance.

**Setback Line:** As used in Article XVI, the line which is the required setback distance landward of the bluffline and which is the lakeward limit for the construction of permanent structures without a special exception.

**Screen:** A structure providing enclosure, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structural, consisting of shrubs or other growing materials.

**Shoreland:** The land, water and land beneath the water, which is in close proximity to the shoreline of Lake Michigan.

**Shoreline:** That area of shorelands where land and water meet.

**Shore Protection Structure:** Any structural or physical method used to control shoreland erosion processes. Shore protection structures include, but are not limited to, structures such as seawalls, revetments or bulkheads, and may also include any type of beach nourishment by filling.

**Short-term Rental:** **The rental of a dwelling unit for compensation for a term of less than 30 days and more than 48 hours. However, the rental of the following facilities shall not be considered short-term rentals: (i) attached dwelling units in a multi-family dwelling condominium project, and (ii) transitional houses operated by a charitable organization, group homes such as nursing homes and adult-foster-care homes, substance-abuse rehabilitation clinics, mental-health facilities, and other similar health-care related facilities.**

**Sign:** A device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, or activity. Definitions of specific types of signs are found in Section 2001.

**Site Condominium Subdivision:** Means a condominium subdivision which includes units with building envelopes or which grants the owner the right to construct a structure.

**Site Plan:** A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A plot plan depicts a subset of the information required by this Ordinance for a site plan (see Article XIV).

**Special Land Use:** A use of land whose characteristics may create a nuisance or nuisance-like impacts on adjoining lands unless carefully sited according to standards established in this Ordinance (see Article XV). Approval for establishing a special land use is indicated by issuance of a Special Use Permit.

**Special Use Permit:** A permit issued by the City Planning Commission to a person or persons intending to undertake the operation of an activity upon land or within a structure specifically permitted as a special land use pursuant to standards and procedures established in Article XV.

**Stop Work Order:** An administrative order, which is either posted on the property or mailed or personally delivered to the property owner, which directs a person not to continue, or not to allow the continuation of an activity, which is in violation of this Ordinance.

**Story:** That part of a building, except a mezzanine as defined herein included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story (see Figure 2-1).

**Street:** A public dedicated right-of-way, other than an alley, or an approved private road or easement, which affords the principal means of access to abutting property.

**Structure:** Anything fabricated, constructed or erected, the use of which requires fixation or placement in, on or attachment to something having location on the ground including but not limited to all buildings, independently supported decks, satellite dishes and free-standing signs; excepting anything lawfully in a public right-of-way including but not limited to utility poles, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities and utilities defined as essential public services.

Subdivision: The division of a lot, tract, or parcel of land into more lots for the purpose of sale or development, and subject to the requirements of Public Act 288 of 1967, as amended, this Ordinance and the requirements of Chapter 78 of the Code of Ordinances of the City of South Haven.

Substandard Lot or Parcel: Also known as “nonconforming” lot or parcel. A lot or parcel of record or a lot or parcel which is described in a land contract or deed that is executed and delivered before the designation of a high risk erosion area and which does not have adequate depth to provide the required setback distance from the bluffline for a permanent structure. The term also means those lots which are legally created after the designation of a high-risk erosion area and which have sufficient depth to meet setback requirements for permanent structures, but which subsequently become substandard due to erosion processes or become substandard due to a change in the required setback distance.

Swimming Pool: Means any structure or container located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing.

#### **Sec. 401. R-1A, R-1B AND R-1C USE REGULATIONS**

Land, buildings and structures in the R-1 zoning districts may be used for the following purposes only:

1. One-family detached dwellings. **The short-term rental of a one-family detached dwelling shall comply with all applicable provisions of the City Code including, without limitation, any applicable registration requirements.**
2. Two-family dwellings which were erected prior to the effective date of the amendment which added this provision. Thereafter, no new two-family dwellings, or conversions to two-family dwellings are permitted in this district. **The short-term rental of a two-family dwelling is subject to the same regulations as described in subsection (1) above.**
3. Farms in existence on the effective date of this Ordinance are allowed by right, all others by special use permit (see Section 1510.12.)
4. Publicly owned and operated libraries, parks, recreational facilities, and municipal parking lots by special use permit.
5. Cemeteries which lawfully occupied land in this district at the time of adoption of this Ordinance.
6. Churches and other facilities normally incidental thereto when authorized as a special land use. In considering such authorization, the Planning Commission shall ensure compliance with the standards in Article XV:
7. Public, charter, parochial and private schools offering courses in general education, when authorized as a special land use by the Planning Commission. In considering such authorization, the Planning Commission shall ensure compliance with the standards of Article XV.
8. Family day care home is permitted. Nursery schools, day nurseries and group day care homes, not including dormitories, when authorized by the Planning Commission as a special land use. In considering such authorization, the Planning Commission shall ensure compliance with the standards of Article XV.
9. Private noncommercial recreation areas, institutional or community recreation centers, nonprofit swimming pool clubs when authorized as a special land use by the Planning Commission. In considering such authorization, the Planning Commission shall ensure compliance with Article XV.
10. Golf courses when authorized as a planned unit development. In considering such authorization, the Planning Commission shall ensure compliance with the standards in Section 1510.15 and Article XIII.
11. Home occupations, as defined in Section 201, and which meet the requirements which follow, are not required to obtain a special use permit, all others are only permitted when authorized as a special land use by the Planning Commission according to the standards in b., which follow:
  - a. No special use permit is required if the home occupation meets the following standards:

- i. No customers or clients visit the property to do business.
  - ii. No parking of commercial vehicles, equipment or trucks.
  - iii. No shipping or receiving of merchandise or freight which is obtrusive to neighbors.
  - iv. No storage of material, products, or other business related items in a garage, accessory building, or outdoors.
  - v. No signage.
  - vi. No visible evidence of business activity from outside the home.
- b. In considering authorization for a special use permit for a home occupation, the Planning Commission shall ensure compliance with the following standards and those in Article XV:
- i. Said home occupation shall not exceed ten (10) percent of the gross floor area of any floor of the residential structure.
  - ii. There shall be no alteration in the residential character or function of the premise in connection herewith nor shall any garage or parking area be used in connection herewith.
  - iii. An identification sign shall not exceed two (2) square foot in area and shall be mounted flush to the main structure.
  - iv. The sale of a commodity or stock in trade sold or stored upon the premises shall only be incidental to the specific home occupation.
  - v. No person not residing on the premises shall be employed in connection with the home occupation.
  - vi. There shall be no equipment or machinery used in connection with a home occupation which is industrial in nature.
  - vii. No home occupation shall be permitted to be established or continued when the same is objectionable as determined by the Planning Commission due to noise, dust, smoke, odor, vibrations, light, traffic congestion, reduction of the living environment, or other impacts detrimental to the neighborhood in which it is located.
12. Planned Unit Development which contains the following uses or mix of uses and as regulated in Article XIII:
- a. Single-family dwellings.
  - b. Golf courses, tennis clubs, athletic clubs, and other recreational uses.
  - c. Parks and playgrounds.
13. Accessory buildings and structures customarily incidental to the above permitted uses.
14. Model homes including sales office(s) are permitted in subdivisions, condominium developments and planned unit developments and shall comply with the following standards:
- a. The model home shall be used solely as a sales and promotion office for the development in which the home is located. The model home shall not be used to conduct other business, or as a model home to promote sales in other developments.
  - b. The model home requires a temporary zoning permit. The Zoning Administrator may issue temporary zoning permits for up to either three (3) model homes or a number equal to one (1%) percent of the total number of units within the development, whichever is less, with a minimum of one (1) model home permitted per development. Temporary zoning permits shall not be issued until roads, water supply, sewage disposal, storm drainage, and other utilities and infrastructure to service the site used for the model home(s) are completed and determined to be acceptable for use. Certificates of occupancy for model homes shall be limited to model and sales office purposes only and not for habitation.

- c. The model home must be located within the boundaries of the approved development and must comply with all requirements, conditions and stipulations of the development approval, zoning ordinance, and other city, county, state and federal regulations which may apply.
- d. The model home shall be maintained to appear as a home at all times.
- e. Use of the model home for sales and promotion shall cease as soon as fifty (50%) percent of the lots, condominiums, or units are sold or leased, or within two (2) years of the home's occupancy as a model home, whichever occurs first, whereupon the model home shall be offered for sale.
- f. One (1) identification sign shall be permitted subject to the following regulations
  - i. The sign shall not exceed six (6) square feet in area.
  - ii. The sign shall be mounted to the structure or freestanding within five (5) feet of the building.
  - iii. If freestanding the sign may be no more than six (6) feet in height. The sign may not be illuminated.

**Sec. 406. R-2 USE REGULATIONS**

Land, buildings and structures in the R-2 District may be used for the following purposes only:

- 1. All uses as permitted and regulated in the R-1 Residential District, provided that any time more than two (2) one-family dwellings are proposed, the requirements of Article XIII shall be met. **The short-term rental of a dwelling in the R-2 district must comply with all applicable provisions of the City Code including, without limitation, registration requirements.**
- 2. Two-family dwellings, provided that any time more than one duplex is proposed, the requirements of Article XIII shall be met.
- 3. Planned Unit Development which contains the following uses or mix of uses and as regulated in Article XIII:
  - a. Single-family attached and detached dwelling units that conform with the standards of Section 501(2).
  - b. Two-family dwellings.
  - c. Golf courses, tennis clubs, athletic clubs and other recreational uses.
  - d. Parks, playgrounds and other open space.
- 4. Accessory buildings and structures customarily incidental to the above permitted uses.

**Sec. 501. RM-1 USE REGULATIONS**

Land, buildings and structures in RM-1 District may be used for the following purposes only, subject to the review and approval of a site plan by the Planning Commission:

- 1. All uses as permitted and regulated in the R-1 and R-2 Residential Districts. **The short-term rental of a dwelling in the RM-1 district must comply with all applicable provisions of the City Code including, without limitation, registration requirements.**
- 2. Attached and semi-detached dwelling units including dwellings known as townhouses or condominiums, among other names, subject to conformance with the following standards:
  - a. Each dwelling unit shall have one (1) floor at ground level.
  - b. No more than four (4) dwelling units shall be attached in any construction group, or contained in any single structure, except that where the roof ridge lines and building facades of any four (4) consecutive units are staggered or offset by at least ten (10) feet, then a maximum of eight (8) units may be permitted.
  - c. The site plan shall be so planned as to provide ingress and egress directly onto a major or minor thoroughfare, except when the Planning Commission finds, upon review of the site

plan, that ingress and egress directly onto an adjacent minor street will not be detrimental to the harmonious development of the adjacent properties. Where feasible, the Planning Commission may require that ingress-egress to parking facilities be provided from adjacent alleys so as to minimize curb cuts directly onto the major or minor thoroughfares.

- d. The site plan shall be so planned as to recognize yard and general development relationships with adjacent land uses. The Planning Commission may recommend physical features to be provided which will insure harmony in these relationships.
3. Multiple-family dwellings and apartments where not all the units are at ground level.
  4. Mobile home parks, when authorized as a special land use by the Planning Commission and provided they are in conformance with all state regulations governing mobile home parks, including Public Act 96 of 1987 as amended. In considering such authorization, the Planning Commission shall also ensure conformance with the requirements of Article XV.
  5. Bed and breakfast inns.
  6. Bed and breakfast hotel as a special land use (see Section 1510.04).
  7. General hospitals, when authorized by the Planning Commission as a special land use. In considering such authorization, the Planning Commission shall ensure conformance with the standards Article XV.
  8. Housing for the elderly when authorized by the Planning Commission as a special land use or planned unit development. In considering such authorization, the Planning Commission shall ensure conformance with the standards in Article XV or Article XIII, as appropriate.
  9. Convalescent homes and orphanages when authorized as a special land use by the Planning Commission. In considering such authorization, the Planning Commission shall ensure conformance with the standards in Article XV or Article XIII, as appropriate.
  10. Planned unit development which includes any of the solitary, or a mix of the uses permitted in this District and as regulated in Article XIII.
  11. Marinas as an accessory use in a planned unit development when authorized as a special land use by the Planning Commission. In considering such authorization, the Planning Commission shall ensure conformance with the standards in Article XV or Article XIII, as appropriate.
  12. Accessory buildings and structures customarily incidental to the above permitted uses.
  13. Bakeries for the production of baked goods to be sold on the property and retail establishments for the sale of baked goods, coffee, ice cream, pizza and other similar consumable products which have been erected prior to the effective date of the amendment which added this provision and subject to the following conditions:
    - a. On-premise seating may be provided for the consumption of goods purchased on site subject to an occupancy established by the Fire Marshall, Building Inspector, and Health Department and subject to all state and local code requirements.
    - b. No additional parking shall be required if the seating provided is for 16 persons or less.
    - c. The premises shall be limited in size to 1,000 square feet in area and shall be architecturally compatible with the surrounding buildings.

A very few such establishments that have historically existed and continue on a small scale are compatible with a neighborhood. Larger scale establishments, those with architecture or layouts out of character with the neighborhood, and an increase in the number of such establishments can adversely affect the quality and character of the community. The concept is to continue the "quaint" without succumbing to the "commercial" nature of such businesses. Therefore, no new bakeries or retail establishments, as defined in this section, are permitted in this district.

## **Sec. 901. B-3 USE REGULATIONS**

Land, buildings or structures in this zoning district may be used for the following purposes only, subject to the review and approval of a site plan by the Planning Commission:

1. Automatic teller machines when inside a building and accessory to another use.
2. Beaches and recreation areas, either municipal or private by special use permit.
3. Boat launching ramp.
4. Campgrounds, subject to compliance with the standards and procedures for establishing a Planned Unit Development as regulated in Article XIII.
  - a. The minimum size of the campground shall be 3 acres.
  - b. Thirty percent of the campground shall be dedicated to open space for the common use of the residents. For purposes of calculating the open space percentage, areas set aside for common recreational use may be included; driveways and parking areas shall be excluded.
  - c. There shall be a traffic route which does not pass through a residential area, connecting the campground entrance with a public street with a minimum right of way of 80 feet in width.
  - d. The campsites shall be set back from the property line a minimum distance of 30 feet.
  - e. A recreational unit may be located at the campground for no more than 21 consecutive nights. After 5 nights out of the campground, the recreational unit may return again for no more than 21 consecutive nights. A recreational unit shall not be located on the premises of a campground for more than 42 nights in any calendar year. Storage of recreational units for more than 21 days is not permitted in a campground.
  - f. The recreational units (excluding tents) located at the campground shall be validly licensed as vehicles or trailers, and shall at all times be legal for use on roads and highways without requiring any special permits. The maximum allowable trailering width of a recreational unit is 96 inches. The campground owner shall establish the maximum allowable length of a recreational unit based on the available turning radii in the campground.
  - g. There shall be a security fence surrounding the campground, with a minimum height of 6 feet. There shall be security gates at the entrances.
  - h. Accessory uses and structures are allowed as part of the campground under the following conditions:
    - i. Allowed uses are convenience store, snack bar, laundromat, or similar uses.
    - ii. The accessory use is intended for use of occupants of campground only.
    - iii. The accessory use must be centrally located in the campground, it shall not abut or adjoin a public street.
    - iv. No signs advertising the accessory use shall face public streets.
    - v. The accessory use shall cease business operation when the campground is closed for the season; the accessory use shall only be open for business when the campground is operating.
    - vi. One structure is allowed to be used as an office.
    - vii. One mobile home is allowed in a campground as a caretaker's residence.
  - i. Home occupations are not permitted within the campground.
  - j. Campgrounds shall be licensed by the State of Michigan, including as required in Act 368 of 1978, the Public Health Code. The City may enforce the provisions of the Public Health Code.
  - k. A Planned Unit Development shall not be licensed as both a campground and a seasonal mobile home campground.

- l. The maximum number of sites per acre of total campground area is 12 sites per acre.
  - m. The minimum area of each site is 1,300 square feet.
  - n. All driveways and parking areas shall be paved with bituminous or concrete paving. Two paved parking spaces shall be provided for each campsite.
  - o. Each entrance and exit to and from the campground shall be located at least 25 feet distant from adjacent property located in any single-family residential district.
  - p. There shall be no vehicle access to the campground except through designated common driveways, unless an access for use only by emergency vehicles is approved as a condition of development approval.
  - q. Screening shall be provided along side yards, rear yards and any part of the parcel which abuts a public or private right of way. Screening shall be maintained in a living condition and shall consist of 1) a compact hedge of deciduous or evergreen trees which reach a minimum of 5 feet in height and 5 feet in width after one growing season; or 2) a solid wall or tight board fence 6 feet in height.
  - r. The campground owner or applicant must research and show proof that the campground will not overload available roadways, utilities and drainage, including a study which estimates peak loads and shows that there is excess capacity in city utilities, streets and drainage to service the campground.
  - s. The City Fire Marshal may prohibit campfires as part of site plan approval.
5. Convenience store.
  6. Dwelling above permitted use according to the standards in Section 601.16.
  7. Marinas and marine services.
  8. Miniature or par-3 golf course.
  9. Motels, hotels or resort motels or hotels when authorized as a special land use (see Section 1510.22 and Section 1738).
  10. Parking lots by special use permit.
  11. Planned Unit Development which contains a mix of land uses including any use permitted by right in this district and one or more of the following land uses according to the requirements of Article XVIII.
    - a. Attached and semi-detached dwelling units including dwellings known as townhouses or condominiums, among other names, subject to conformance with the following standards:
      1. Each dwelling unit shall have one floor at ground level.
      2. No more than 4 dwelling units shall be attached in any construction group, or contained in any single structure, except that where the roof ridge lines and building facades of any four consecutive units are staggered or offset by at least 10 feet, then a maximum of 8 units may be permitted.
      3. The site plan shall be so planned as to provide ingress and egress directly onto a major or minor thoroughfare, except when the Planning Commission finds, upon review of the site plan, that ingress and egress directly onto an adjacent minor street will not be detrimental to the harmonious development of the adjacent properties.
      4. Where feasible, the Planning Commission may require that ingress-egress to parking facilities be provided from adjacent alleys so as to minimize curb cuts directly onto the major or minor thoroughfares.
      5. The site plan shall be so planned as to recognize yard and general development relationships with adjacent land uses. The Planning Commission may recommend physical features to be provided which will insure harmony in these relationships.

- b. Multiple-family dwellings and apartments where not all the units are at ground level.
- 12. Private clubs, fraternal organizations, lodge halls and convention halls.
- 13. Recreation centers and facilities by special use permit.
- 14. Restaurants, lounges or other places serving food or beverage, except those having the character of a drive-in.
- 15. Retail uses.
- 16. Accessory buildings and structures customarily incidental to the above uses.
- 17. One family detached dwellings by special use permit, subject to the following conditions to be demonstrated by the applicant:
  - a. The proposed use will be of substantial benefit to the City and the waterfront business community.
  - b. No other use permitted in this zoning district is possible on the lot due its size or configuration.
  - c. The inability to use the lot for another use permitted in this zoning district was not the result of an action taken after January 1, 2014, by the applicant or any predecessor in interest in the property.
  - d. Special use permits shall not be granted under this subsection for any lot created by lot split occurring after January 1, 2014.
  - e. The site plan submitted with the application must satisfy all additional requirements for special use permits in Section 1502 of this ordinance.
  - f. **The short-term rental of any dwelling unit in the B-3 district shall comply with all applicable provisions of the City Code including, without limitation, any applicable registration requirements.**

Section 2. Publication and Effective Date. The City Clerk shall cause a notice of adoption of this ordinance to be published. This ordinance shall take effect 10 days after its adoption or upon publication of the notice of adoption, whichever occurs later.

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

[Certification on Next Page]

CERTIFICATION

This true and complete copy of Ordinance No. \_\_\_\_\_ was declared adopted at a Regular Meeting of the South Haven City Council held on \_\_\_\_\_, 2016.

\_\_\_\_\_  
Robert Burr, Mayor

\_\_\_\_\_  
Amanda Morgan, City Clerk

PC Hearing: \_\_\_\_\_, 2016  
Introduced: \_\_\_\_\_, 2016  
Adopted: \_\_\_\_\_, 2016  
Published: \_\_\_\_\_, 2016  
Effective: \_\_\_\_\_, 2016

GRAPIDS 57671-1 391363v9

DRAFT

**CITY OF SOUTH HAVEN  
VAN BUREN COUNTY, MICHIGAN**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO ADD A NEW ARTICLE X TO CHAPTER 10 OF THE CODE OF  
ORDINANCES, CITY OF SOUTH HAVEN, MICHIGAN, TO REQUIRE REGISTRATION AND  
OTHERWISE REGULATE SHORT-TERM RENTALS**

The City of South Haven Ordains:

Section 1. Addition. Chapter 10, Article X, entitled "Short-Term Rentals," is added to the Code of Ordinances, City of South Haven, Michigan, and shall read in its entirety as follows:

**Chapter 10, Article X. Short-Term Rentals.**

**Sec. 10-241. Definitions.**

When used in this article, the following words and phrases shall have the meanings ascribed to them in this section:

- (a) *Bedroom* – A room intended for sleeping or placement of a bed, separated from other spaces in the dwelling unit by one or more functional doors. The following spaces, which must be included in every dwelling unit, do not qualify as bedrooms: (1) kitchens; (2) dining areas; and (3) gathering spaces such as family rooms, dens, or living rooms.
- (b) *Compensation* – Money or other consideration given in return for occupancy, possession or use of a property.
- (c) *Dwelling* – A building containing one or more dwelling units.
- (d) *Dwelling unit* – A self-contained unit within a building that is designed for human occupancy and provides complete living facilities, including permanent provisions for sleeping, eating, cooking and sanitation.
- (e) *Good neighbor guideline materials* – Materials prepared by the City's Zoning Administrator that include: (1) a summary of the City's noise ordinance (chapter 30, article II), fireworks ordinance (section 54-167), trash disposal ordinances (chapter 30, article IV and Chapter 70), and applicable offenses against the public peace (chapter 54, article V), (2) a reminder that the rental property is located in a residential neighborhood and that neighbors may not be vacationing, and (3) a statement informing the renters that neighboring property owners may contact the local agent to report any issues relating to the property.
- (f) *Local agent* – An individual designated to oversee the short-term rental of a dwelling unit in accordance with this article and to respond to calls from renters, concerned citizens, and representatives of the City. The local agent must live or maintain a physical place of business within 45 miles of the dwelling unit used for short-term rentals. The owner of the property may serve as the local agent so long as these criteria are met
- (g) *Occupant* – An individual at least six years of age who is living in, sleeping in, or otherwise having possession of a space. An individual present in a dwelling unit during the term of a short-term rental lease shall be presumed to be an occupant unless circumstances clearly indicate that the individual is visiting between the hours 8:00 a.m. and 11:00 p.m. and will not stay overnight.
- (h) *Short-term rental* – The rental of a dwelling unit for compensation for a term of less than 30 days and more than 48 hours. However, the rental of the following facilities shall not be considered short-term rentals: (i) attached dwelling units in a multi-family dwelling condominium project, and (ii) transitional houses operated by a charitable organization, group homes such as nursing homes and adult-foster-care homes, substance-abuse rehabilitation clinics, mental-health facilities, and other similar health-care related facilities.
- (i) *Short-term rental unit* – A dwelling unit used for at least one short-term rental within a calendar year.

**Sec. 10-242. Registration required.**

- (a) *Registration required.* All short-term rental units in the City's B-3, R-1A, R-1B, R-1C, R-2, and RM-1 zoning districts shall be registered with the City. The owner of any unregistered dwelling unit that is leased for short-term rentals is in violation of this ordinance.
- (b) *Application.* To register a dwelling unit used for short-term rentals, the property owner or agent of the owner shall:
  - (1) Truthfully provide and certify as true the following on a form provided by the City:
    - (A) Name, address, and telephone number of the local agent for the dwelling unit.
    - (B) The street address of the dwelling unit, along with other identification if more than 1 dwelling unit has the same street address.
    - (C) The number of dwelling units in the building, if more than one.
    - (D) The number of bedrooms in each dwelling unit, and in the dwelling as a whole.
    - (E) The number of off-street parking spaces provided for the dwelling unit.
    - (F) The maximum number of occupants to which the applicant intends to rent the dwelling unit in any given rental period.
    - (G) The length of the typical rental period for which the applicant intends to rent the property.
    - (H) A statement certifying that each bedroom has a working smoke alarm, that there is a working carbon monoxide detector on each floor, and that the owner or local agent will check those devices at least every 6 months.
    - (I) A statement certifying that the property owner consents to inspections by the City and will make the dwelling unit available to inspections upon request.
    - (J) A statement certifying that the property owner or a local agent will provide at least one copy of the City's good visitor guideline materials to the renters each time the dwelling unit is rented.
    - (K) Such other information as the City deems appropriate.
  - (2) Pay an administrative fee, as set by resolution of the City Council.
  - (3) Prove that the personal residence tax exemption is legally appropriate or is not being claimed.

**Sec. 10-243. Short-term rental regulations.**

- (a) *Local agent required.* All short-term rental units shall have a designated local agent.
- (b) *Contact information posted in window.* The local agent shall post a notice in a prominent first-floor window of any short-term rental unit stating (in at least 16-point type) the name of the local agent, a 24-hour telephone number with which the agent can be reached, and the maximum occupancy of the rental unit as permitted by this ordinance.
- (c) *Street address posted within unit.* The local agent shall post the street address of the property in at least two prominent locations within the unit in order to assist occupants in directing emergency service personnel in the event of an emergency. The address should be posted near the kitchen and near any telephone or pool.
- (d) *Maximum occupancy.*
  - (1) *Maximum occupancy established.* Except as otherwise provided in subsection (d)(2), the number of occupants in a dwelling unit during a short-term rental lease shall not exceed the lesser of: (i) 16 total occupants; or (ii) 2 occupants per bedroom plus two additional occupants per finished story meeting the applicable egress requirements for occupancy in the Michigan Construction Code.

(2) *Applications for increase.* An owner or local agent may apply to the City's Planning Commission to have the maximum occupancy of a short-term rental unit in the RM-1, B-3, or R-2 zoning district increased to the lesser of: (i) 24 total occupants; or (ii) 2 occupants per bedroom. Applications shall be submitted on a standard form available with the zoning administrator, and shall be accompanied by any applicable fee established by resolution of the City Council. The Planning Commission shall grant the application upon determining that subsections (d)(1)(A) and (d)(1)(B) below are both satisfied:

(A) All of the following are provided:

- (i) A parking site plan allowing sufficient access for emergency vehicles.
- (ii) An automatic sprinkler system on all floors with one or more bedrooms.
- (iii) A fire alarm system.
- (iv) An interconnected smoke alarm system.
- (v) Fire-rated corridors.
- (vi) Fire-rated stairwell enclosures on all stairways providing the primary means of egress for one or more bedrooms.
- (vii) Automatic door closers and fire-rated doors on all bedrooms.
- (viii) A sufficient number of emergency exits, suitably placed in relation to the designated bedrooms, as determined in the discretion of the Planning Commission with input from officials with expertise in fire safety.

(B) Due to one or more of the following features or other similar features of the applicant's property, an increased maximum occupancy would not have an adverse effect on surrounding properties:

- (i) Isolation from properties used as residential dwellings.
- (ii) Size of the setbacks on the property.
- (iii) Provision of fencing or other screening from adjoining properties.
- (iv) Topography and layout of the applicant's property, or of the adjoining properties.
- (v) Other characteristics and uses of properties within the vicinity of the applicant's property.

(e) *Fireworks.* No fireworks shall be used on the premises of a short-term rental unit when it is occupied by anyone other than the owner.

(f) *Zoning compliance.* Short-term rentals are regulated in the South Haven Zoning Ordinance, and nothing in this article shall be construed as excusing compliance with zoning requirements.

**Sec. 10-244. Violations; revocation of registration.**

(a) *Violations as municipal civil infractions.* Any violation of the requirements of this article shall be a municipal civil infraction. Each day that a violation continues after the property owner or local agent is given notice of the violation constitutes a new violation. Notwithstanding any other provision of this Code of Ordinances, violations of this article are subject to the following fines:

- (1) *Short-term rental of unregistered dwellings.* The fine for leasing an unregistered dwelling unit in violation of subsection 10-242(a) is \$750 for a first violation and \$1,000 for each subsequent violation.
- (2) *Maximum occupancy.* The fine for exceeding the maximum occupancy in violation of subsection 10-243(d) is \$250 per violation of an occupant, and \$750 per violation of an owner or local agent.
- (3) *Other provisions.* Fines for other violations of this article are as follows: \$50 for a first offense, \$250 for a second offense, and \$500 for a third offense.

(b) *Revocation of registration.*

- (1) *Offenses warranting revocation.* The City may revoke the rental registration for any short-term rental unit which is the site of at least 3 separate incidents within a calendar year resulting in a plea of responsibility (with or without an explanation), a plea of guilty, a plea of no contest, or a court's determination of responsibility or guilt by the owner, local agent, or any renter for a violation of this article (including but not limited to violations of the maximum occupancy limits).
- (2) *Revocation Procedure.* Upon a determination by the zoning administrator that the registration of a short-term rental unit is subject to revocation pursuant to subsection (b)(1), the zoning administrator may issue a notice to the property owner and the local agent stating that the City intends to revoke the rental registration. The notice shall inform the owner and local agent that a hearing may be requested to show cause as to why the registration should not be revoked. If a hearing is requested within 14 days of service of the notice, the City shall schedule a hearing before the City Manager and notify the owner and local agent in writing of a time and place for that hearing. At the hearing, the owner and local agent may present evidence that the requirements for revocation provided in subsection (b)(1) are not satisfied, or that the property owner and local agent should not be held responsible for one or more of the three requisite violations due to extenuating circumstances (e.g. the violation related to the conduct of a non-renter, etc.).
- (3) *Revocation Period and Effect.* Upon revocation of registration, a dwelling unit cannot be re-registered for a period of 1 year, and cannot be used for short-term rentals until re-registered.

Section 2. Publication and Effective Date. The City Clerk shall cause a notice of adoption of this ordinance to be published. This ordinance shall take effect 10 days after its adoption or upon publication of the notice of adoption, whichever occurs later.

YEAS: \_\_\_\_\_  
NAYS: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_  
ABSENT: \_\_\_\_\_

CERTIFICATION

This true and complete copy of Ordinance No. \_\_\_\_\_ was declared adopted at a Regular Meeting of the South Haven City Council held on \_\_\_\_\_, 2016.

\_\_\_\_\_  
Robert Burr, Mayor

\_\_\_\_\_  
Amanda Morgan, City Clerk

Introduced: \_\_\_\_\_, 2016  
Adopted: \_\_\_\_\_, 2016  
Published: \_\_\_\_\_, 2016  
Effective: \_\_\_\_\_, 2016

DRAFT

**CITY OF SOUTH HAVEN VAN BUREN COUNTY, MICHIGAN  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND SECTION 30-28 OF THE CODE OF ORDINANCES, CITY OF SOUTH HAVEN, MICHIGAN, TO DESIGNATE INDIVIDUALS RESPONSIBLE FOR NOISE ORDINANCE VIOLATIONS**

The City of South Haven Ordains:

Section 1. Amendment. Section 30-28 of Chapter 30, Article II of the Code of Ordinances, City of South Haven, Michigan, entitled "Noise," is amended to read as follows:

**Sec. 30-28. General Prohibitions.**

Any person who creates, assists in creating, or permits the continuance of any noise prohibited in this article is in violation of this article. Further, any person who owns or occupies a premises on which a prohibited noise is produced is in violation of this article. All noises prohibited in this article are hereby declared to be public nuisances.

Section 2. Publication and Effective Date. The City Clerk shall cause a notice of adoption of this ordinance to be published. This ordinance shall take effect 10 days after its adoption or upon publication of the notice of adoption, whichever occurs later.

YEAS:

NAYS:

ABSTAIN:

ABSENT:

**CERTIFICATION**

This true and complete copy of Ordinance No. \_\_\_\_\_ was declared adopted at a Regular Meeting of the South Haven City Council held on \_\_\_\_\_, 2016.

Robert Burr, Mayor

Amanda Morgan, City Clerk

Introduced: , 2016  
Adopted: , 2016  
Published: , 2016  
Effective: , 2016

Effective Date. The City Clerk shall cause a notice of adoption of this ordinance to be published. This ordinance shall take effect 10 days after its adoption or upon publication of the notice of adoption, whichever occurs later.



**CITY OF SOUTH HAVEN  
VAN BUREN COUNTY, MICHIGAN**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO ADD A NEW SECTION 54-116 TO THE CODE OF ORDINANCES,  
CITY OF SOUTH HAVEN, MICHIGAN, TO DESIGNATE INDIVIDUALS RESPONSIBLE FOR  
NOISE ORDINANCE VIOLATIONS**

The City of South Haven Ordains:

Section 1. Addition. A new Section 54-116 is added to Chapter 54, Article V of the Code of Ordinances, City of South Haven, Michigan, to read as follows:

**Sec. 54-116. Nuisance Gathering.**

- (A) *Purpose*. The City Council finds that there are parties or gatherings on premises in the city that are unsafe or are a public nuisance. These gatherings can involve alcoholic beverages that are illegally sold and/or provided to individuals in attendance, including underage individuals. These gatherings can result in excessive noise and traffic, excessive consumption of alcohol, overcrowding of the premises, and other ordinance and state law violations. The City Council desires to protect the public from such public nuisances.
- (B) *Definitions*. For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning:
- (1) *Nuisance Gathering*. A gathering, party or meeting that is conducted on or within any premises located within the city and which, by reason of the conduct of persons hosting or attending, results in one or more of the following conditions or occurrences:
    - (a) The drinking or possession of alcohol in public or intoxication that would warrant involuntary commitment under MCL 330.1276, as amended;
    - (b) The use or possession of any controlled substance, drug, or immediate precursor enumerated in schedule 1-5 of sections 7201 to 7231 of the Public Health Code, 1978 PA 368, as amended, MCL 333.7201 *et seq.*, except as provided in subsection (c) of this ordinance with respect to marihuana;
    - (c) The use or possession of marihuana, except as permitted by the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, as amended, MCL 333.26421 *et seq.*;
    - (d) Indecent exposure or public nudity in violation of MCL 750.335a, as amended;
    - (e) Public urination or defecation;
    - (f) The unlawful sale, furnishing, possession or consumption of alcoholic or intoxicating beverages in violation MCL 436.1703, as amended, or Sections 54-105 or 54-106 of this Code;
    - (g) The unlawful dumping, placing or depositing of trash or litter on public or private property in violation of MCL 750.552a, as amended, or Section 70-35 of this Code;
    - (h) The damage or destruction of public or private property;
    - (i) The generation of pedestrian or vehicular traffic which obstructs the free flow of traffic within the public rights-of-way or interferes with the ability to render police or other emergency services;
    - (j) The generation of noise or violations that are audible at a distance beyond 50 feet from the property line of the premises or from inside a neighboring building, structure or dwelling unit;
    - (k) Public disturbances, brawls, fights, quarrels or similar disturbances of the peace in violation of Chapter 54, Article V of this Code; and

(l) Violation of the fire code, building code, zoning ordinance, or Chapter 10, Article X of this Code, due to the over-occupancy or overcrowding of a building, structure or dwelling unit, or any adjacent deck or patio, or the obstruction of stairway or entries to a building, structure or dwelling unit.

(2) *Premises.* Any building, structure or dwelling unit, either commercial or residential, including adjacent exterior property, common areas, yards, and parking lots. The term premises does not include an establishment operating with a liquor license issued by the Michigan Liquor Control Commission, or a successor agency.

(C) *Nuisance gatherings prohibited.*

(1) Nuisance gatherings are declared to be public nuisances and are prohibited in the city.

(2) Any person who is an owner, occupant, or tenant of a premises that is the site of a nuisance gathering is in violation of this article.

(3) Any person who attends a nuisance gathering is in violation of this article.

Section 2. Publication and Effective Date. The City Clerk shall cause a notice of adoption of this ordinance to be published. This ordinance shall take effect 10 days after its adoption or upon publication of the notice of adoption, whichever occurs later.

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

CERTIFICATION

This true and complete copy of Ordinance No. \_\_\_\_\_ was declared adopted at a Regular Meeting of the South Haven City Council held on \_\_\_\_\_, 2016.

\_\_\_\_\_  
Robert Burr, Mayor

\_\_\_\_\_  
Amanda Morgan, City Clerk

Introduced: \_\_\_\_\_, 2016

Adopted: \_\_\_\_\_, 2016

Published: \_\_\_\_\_, 2016

Effective: \_\_\_\_\_, 2016

# Planning Commission

## Special Meeting Minutes Thursday, March 24, 2016 7:00 p.m., Council Chambers



City of South Haven

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

### 2. Roll Call

Present: Bill Fries, John Frost, Clark Gruber, Steve Miles, Brian Peterson, Dave Paull, Judy Stimson, Terri Webb, Larry Heinig

Absent: None

### 3. Approval of Agenda

Motion by Gruber, second by Stimson to approve the March 24, 2016 Special Meeting Agenda as presented.

All in favor. Motion carried.

### 4. PUBLIC HEARING REGARDING A PROPOSED SHORT TERM RENTAL ORDINANCE

Anderson introduced the item, noting that this public hearing is a culmination of about 6 (six) months of work, beginning in October 2015, at the direction of the City Council. The sub-committee met weekly, except for a couple of missed meetings around the holidays, to work on the ordinance. Anderson pointed out that even before the council directive; the Planning Commission was already working with some changes to the Zoning Ordinance, to alleviate some problems they saw with the rentals. A couple of those changes included removing the half story provision and reducing the height from forty feet to thirty-five, both of which make a huge difference in the size of the house and the massiveness of it on the site. Another requirement was for additional parking for any house having more than three bedrooms; extra parking has to be provided for each additional bedroom. Anderson noted that this has two advantages. It reduces the amount of parking on the street and actually provides extra parking for each additional bedroom and the extra guests that may be visiting. Also, Anderson noted, the more parking that is required on that site, the more space is taken up on that site and the more space that is taken up by parking, the size of the house, the area for the house to be built, is lessened.

Anderson noted that City Council also adopted a couple of measures; they increased the utility hook-up fees for houses with more than 4 (four) bedrooms or bathrooms and

approved a dedicated police officer to enforce the noise and disturbing the peace ordinances during the summer months. These amendments and the policy changes went into effect at the end of 2015. These are already in place; they are already being enforced. Anderson added that the police officer will begin in the summer and that there has been very good cooperation with the builders and contractors in the city.

As part of the Planning Commission's efforts to create recommendations for City Council, Anderson pointed out, the Planning Commissioners and staff studied ordinances from many other cities. "Not just around the state and along the lake shore, but from other states, as well," Anderson noted. Administrators in those cities were contacted to find out what worked and what didn't work, what their path was to get to that ordinance and if they had met with success. Police department representatives were met with to discuss noise concerns and complaints during the high rental season. "Planning Commissioners and staff have received many emails and they continue through today, as I'm sure most of you are aware," Anderson added, "phone calls and advice on recommendations the commission was putting forth." Staff met with members of the public frequently to discuss various options on the proposed ordinance.

"On November 16, 2015, City Council approved a resolution placing a six (6)-month moratorium on the construction of new residences, to halt the construction of purpose-built short-term rental houses that would exceed thirty-five hundred square feet," Anderson stated, "That moratorium will expire on May 16, 2016 or when a new rental ordinance is enacted, whichever comes first. The Planning Commission determined that the best ordinance could only be enacted after the city processes the registration information and learns where the short term rentals are most prevalent in the city." Anderson noted that this information will be used to review and revise the ordinance in the fall and be folded into the comprehensive Master Plan and the Citizen Attitude Survey results that will be conducted as part of the Master Plan update. Anderson added, "The city will be doing a very comprehensive citizen attitude survey, reaching, hopefully, as many people as we can in the city, and it will cover a number of things, not just rentals. Economic development, public safety, recreation and will also, as part of the Master Plan update, be having some city-wide workshops, likely on Saturdays, where we can get the most people in and do some goal setting as a whole community."

Anderson noted that the key points in the draft and explained that these are recommendations that are going to City Council. "This isn't done," Anderson stated. "City Council will hold their own public hearing; they will likely make changes to what the Planning Commission is presenting. The draft, at this point, includes a registration. Every short term rental will be registered. The fee will cover administrative costs; we cannot make profit on this program, but we may cover our costs." Anderson noted that the city has not yet determined what those costs will be, and that will be a matter for City Council; there will be a high penalty for failure to register. There will be a registration card placed in the window of each rental and it shall include the occupancy limit for the residence and emergency contact information.

Anderson noted that another point in the draft is occupancy. The Planning Commission has proposed two persons per bedroom plus two additional persons per occupied floor or 16 occupants, whichever is less. Children 6 (six) and under are not included in that number. Regulations and procedures to allow increased occupancy in certain zones where multi-family condominiums, inns and resorts are permitted are also included. Additional regulations include built-in fire suppression measures, supplementary setbacks, screening

and isolation from other properties, and the ability to go over those numbers in those certain zones but not the single family residential zones, but to go higher will require Planning Commission approval, as well, which brings us now to the public hearing. From here, Anderson added, this will be sent to City Council and noted that Chair Heinig will be touching on their schedule later, which Heinig affirmed.

Heinig asked whether the Commissioners had any questions on anything Anderson had touched on so far. Hearing none, Heinig entertained a motion to open the public hearing.

Motion by Miles, second by Peterson to open the public hearing.

All in favor. Motion carried.

Heinig announced the public hearing open, noted that at this point public comments will be accepted and added, "Threats, accusations and personal attacks are not helpful and will not be tolerated. We will hear your comments in the order in which you signed the sign-in sheet. If you did not sign the sign-in sheet, you will have opportunity to speak after that list is exhausted." Heinig explained that each speaker will have 3 (three) minutes and that Anderson will show a card at the one minute and thirty seconds remaining indicated, noting that at that time the speaker should begin to wrap up their comments because at that time he will rap the gavel and the speaker will be asked to leave the podium. Heinig concluded, "Be considerate of those who follow you. If you agree with what another speaker has said, please feel free to come to the podium and state that you agree and what it is you agree with. We do not need to hear a complete explanation; we have already heard that explanation. In the interest of time, it will be appreciated if we can keep it short."

Heinig then explained that each speaker should come to the podium, state their name and place of residence and suggested that the public hearing proceed.

Dr. Bob Hiddema, 212 Monroe Street. Spoke about following the intent of the 2012 Michigan Building Code and the city's Zoning Ordinance, referencing sections of the Building Code to reinforce his points.

Bob Andree, 42 Cass Street. Spoke of the small 6 (house) neighborhoods' beach access and how the number of residents being proposed in the short-term rental house being built will affect the beach access; listed a number of feelings and activities, both negative and positive, that he guarantees will happen if this ordinance is enacted.

Susan Ryan, 37 Cass Street. Spoke about the 3 (three) bedroom house at 57 Cass Street being razed and new construction beginning on a 7 (seven) bedroom house advertised as accommodating 23 in beds, a 50% deposit being accepted at a charge of \$1695 per night with a 2 (two) night minimum stay. Spoke about those on Planning Commission who would directly benefit from the passage of the proposed ordinance.

Heinig used the gavel and requested Ryan refrain from personal attacks. Ryan responded that she didn't see it that way, said, "I'm sorry," and asked that those who will profit recuse themselves.

Susan Ryan, 37 Cass Street (continued). Spoke about visiting the city manager of the City of St. Joseph and details of the rental ordinance of that city and shared her proposal for the number of residents to be allowed in various zones.

Gail Patterson Gladney, 914 Kalamazoo Street. Spoke about working together as a community to work out what is best for our community. Read a portion of a letter that was sent to Anderson, the Planning Commission and carbon copied to Scott Smith and Brian Dissette from John Lorsdorfer, Joseph Reeser, she and Steve Runkle. Spoke about starting with an occupancy level of 10.

Scott Smith, City Attorney. Addressed the chairman, suggesting it might be helpful for people to know that everything that has been submitted in writing has been sent to the Planning Commissioners and City Council members whether by email, mail or hand-delivered. Noted those speaking can read anything they want, but it is not necessary since it is all part of the record.

Gruber, City Council Rep. Seconded the reassurance, noting that some of them he has received three or four times and he reads them all.

David Fenske, 2 Pine Street. Spoke about there being a place in our city for both short- and long-term and commercial rentals; and it being the responsibility of the Planning Commission to protect neighborhoods.

Steve Runkle, 16 Pine Street. Agreed with Terri Webb that the data must be looked at and urged starting with a maximum occupancy of 10, excluding those under 2 (two) years of age, then looking at the data. Expressed his belief that it would be easier to start low and add to the occupancy than to start at 16 and try to reduce the occupancy in some areas.

Michael Biedermann, 64 North Shore Drive. Stated that if a rental ordinance will improve the City of South Haven he is all for it but wants to understand what exactly the rental ordinance will accomplish; that if a rental ordinance is passed simply to appease those who oppose short term rentals within their traditional neighborhoods, it will be a disservice to everyone. Spoke about already having noise, parking and building codes in place and asked what another regulation will accomplish.

Susan Woodhull, 1000 Monroe Boulevard. Spoke about every heartbeat counts in the Federal Government's HUD (Housing and Urban Development) program. Urged a maximum occupancy of 10 or less. Wants non-owner occupied rental homes to be considered commercial businesses.

Ken Beehla, 311 Clinton Street. Stated that he had a question about who would have to register, noting that tonight he heard that all would have to register, so that answered his question. Noted he has lived at his address for 30 years, is surrounded by 10 rentals, 5 (five) are adjacent to his property and he has not had any problems. Stated he likes his neighbors and they have good renters.

Jim Wettlaufer, 3 Oak Court. Spoke of his concern for the 16 persons plus rental homes in residential neighborhoods. Lives adjacent to one of these so-called "neighborhood hotels," noting that this location has turned their quaint, quiet neighborhood into "Party Town." Suggested that none of the commissioners would want one next to their personal home.

Sue McCabe, 511 Kalamazoo Street. Spoke about living here for 3 (three) years, and can access, can walk to, the lake and the downtown; that's what attracts people here. Wants the Planning Commission to be careful that we don't lose what is unique about South Haven, that quick access. Noted that she agrees with Gail Patterson's letter.

Joyce Thompson, 51 Pine Street. Spoke about living in her house (Susan Woodhull's house is between her house the "resort") for 23 years, that she loves her house and her neighbors, that she is not against short-term rentals but wants to keep single-family homes for single families, whether year-round or short-term rental.

Sandy Fenske, 2 Pine Street. Has been here almost 49 years, has seen a lot of changes. Spoke about not being against rentals, keeping the number 10 in mind, 10 and under, 10 and over, the number 10. Babies in arms, cradles, cribs don't count but keep to the number 10. If you want bigger capacity, keep it in the riverfront or business districts.

Jack Fitzer, 24 ½ Grand Boulevard. Spent 25 years in the real estate appraisal business; never sold real estate but learned a lot about the rental business in those years. Spoke of purpose-built rentals not always being built to the same standard as you would build your own home. Spoke about living near a rental with 3 (three) or 4 (four) parking spaces to which 50 or more people show up on a weekend; that it's time to draw that in. Asked that the commissioners, during discussion, tell why they feel that 16 is a good number, when the state regs mandate 10.

Dorothy Appleyard, 806 Wilson. Spoke about the R-1 residential zone being created to protect neighborhoods from incompatible uses; that the proposed rental ordinance does not go far enough to protect our neighborhoods, that 8 (eight) should be the maximum and that "at least 6 years of age" should be deleted from the definition of 'occupant'. Spoke about hours of use of pools and the stays of day visitors, signage, and about registration revocation requirements being too onerous and not permitting short-term rentals in all zones.

John Kalenda, 60 Kalamazoo Avenue. Spoke about buying his house in Monroe Park in 2005 and being surrounded by rental homes; about not doing anything to harm the ambience that draws people here, that he has never had a problem that he has been unable to solve by either talking to the owners or the renters, and then only twice in 10 years.

Bill Bradley, 746 Lee Street. Spoke about his ancestors coming here in the eighteen hundreds and being born here in 1931. Noted that most in this room could be called "newbies" and commented on their attitudes of not wanting change. Noted he loves change and free enterprise because that is the way the world works. Stated that if change and free enterprise had not been allowed we could be Russia, with the government running things and people falling in line. Suggested if people don't like it here they should move and that people should run their own lives but not try to run the lives of others.

Don Bemis, 740 Phillips. Noted being on the planning Commission for over 20 years and on Council for the short time that we had a rental ordinance that he was disappointed that it was repealed. Observations: that he moved here in 1979 but probably couldn't buy that home today because property values have risen so much; has co-workers that do not consider moving to South Haven because they cannot afford to live here; that those values have risen because houses are not being purchased as homes but as business speculation, the end of South Haven being a place people can afford to live. Agreed with 10 as an occupancy limit; suggested limiting rentals to two per week, cutting down on packing and unpacking, likes the safety requirements and inspections and agrees with Dorothy Appleyard on signage.

Pat Gaston, 97 Superior. Spoke about it not being nice to live in a town with so much divisiveness, people pitted against people, and that the Planning Commission could end much of the controversy by changing the occupancy limit from 16 to 10 so we could see where you all stand. Commented that not everyone would be happy but she thinks it would make 80 percent of the voters and residents happy and would end 80 percent of the controversy. Spoke about the number 10 coming out of the Michigan Building Code.

Anderson noted that was the last signed in speaker. Heinig opened the public hearing to anyone else that would like to speak to the commission.

Gerald Webb, 508 North Shore Drive. Provided examples of occupancy levels of 16. 1.) Twenty ladies between the ages of 55 and 70 who have been renting here for over twenty years. 2.) A family with 6 (six) adult children; four young children aged 4 (four) to 9 (nine); four grandparents. Total of sixteen. Noted he has many more, that this was not a cherry-picked sample but representative of what we call a "larger home" that occupies 16. "I hope we don't tell these people in 2017 and thereafter that they are not welcome in our city."

Rosemary Fitzer, 24 ½ Grand Avenue. Spoke about the city needing to differentiate between what is a residential and what is a business structure. If a law applies to the entire city you can have as many bathrooms as you want. If it is a business it has to be built differently, taxed differently and out of a residential area. Spoke about not chasing people out, not chasing renters out, those people are going to come but they don't need to be housed in residential neighborhoods.

Mary Lynn Bugge, 70 Gabriel Drive. Concurs with 10 people in a residential district; spoke about, in the Zoning Ordinance, in your definition of short term rentals, defining anything as more than 10 people being a commercial use, therefore put it into commercial areas which will solve the problem of them being in residential areas. Welcomes the registration of rentals because it allows the city to be more aware of what is going on and alerts emergency agencies. Agreed with Dorothy Appleyard's comments on revocation of registration. Noted that regarding people who may lose money by not being able to rent to as many people, no investment is guaranteed.

Connie Shaeffer, 735 North Shore Drive. Spoke about not being against rentals; has had rentals, small rentals, in the past and was there to manage them. Who manages, who is going to manage, these rentals? Spoke about occupancy numbers having a profound impact on our communities, empty homes in neighborhoods and break-ins, and who do we call? Hates the feeling of being glad summer is over.

Lottie Resick, 712 Lee Street. Spoke about choosing the neighborhood they are in because it is still a neighborhood with people living in it year round. Spoke about several houses being for sale now and the need for guidance because it could change their neighborhood. Spoke about having no problem with small family rentals in smaller homes in residential areas, but not large party houses.

Motion by Gruber, second by Stimson to close the public hearing.

All in favor. Motion carried.

Gruber commented on the behavior of those participating in the public hearing.

Heinig asked the city attorney to speak to an issue that was brought up, that of conflict of interest.

Scott Smith, City Attorney. Stated conflict of interest is a common question asked at planning meetings but the Michigan Planning Enabling Act requires a planning commission to have representatives of various community interests. Planning Commissions are supposed to be made up of people in various occupations; various demographics; of various ages and so forth and the act is pretty specific on that. We want the input of people who have various interests in the community and oftentimes I get the question, "Well, doesn't so and so have a conflict of interest, since they benefit, either directly or indirectly, from a decision of the planning commission?" I've heard that from Planning Commissioners who live across the street from a proposed development, and somebody will say he or she has a conflict of interest. Well they don't have a conflict of interest. There is not a direct financial result in the decision being made and once you start down the road of deciding that people have a conflict of interest due to their closeness to the issue at hand, on a planning commission, you would eliminate a lot of planning commissioners. If living across the street gives you a conflict of interest, what happens if you live a block away, or within the same neighborhood, or you're going to hear that industry or that particular project will affect the traffic on your street? So the law is pretty clear unless there is a direct financial interest in the particular decision being made, there is not a conflict of interest by planning commissioners".

Now, that may also be because planning commissions only make recommendations on zoning ordinance changes like this and the recommendation goes to the city council, which is the legislative body, and the city council can make changes in what the planning commission recommends before the city council approves the ordinance. Moreover, in this case, one of the ordinances even requires planning commission action. The Zoning Ordinance amendments require Planning Commission action; the other ordinance amendment does not require action of the Planning Commission, but the City Council asked the Planning Commission to consider it as a package, and to offer a package and to work together, because the two ordinances should work in harmony with one another.

Smith asked whether that addressed the chair's question to which Heinig responded, "Yes, it does." Heinig then opened the floor to discussion by commissioners.

Stimson asked the attorney, "It was mentioned during the public hearing about the enforcement of problems, the process that we have in there for people who continue to have the same problem over and over, get tickets, etc. Is it your opinion that this type of problem is not enforceable?"

Smith responded, "That is really a policy decision for you and the council to decide. It's a legislative issue and a policy decision. You have some standards in there; some may prefer that those standards be more strict and revocation be an easier result to come to. Some might prefer otherwise, and I guess that's a policy decision for you to make and probably not an issue for me to make a recommendation on."

Gruber: We've heard a lot about the Commercial Building Code of 2012 and the Residential Building Code of 2009, about up to 10 and a boarding house. Can we get a little clarification? Because the city does abide by both of those building codes, both the residential and the commercial.

Anderson suggested that might be a question for Brian (Peterson); Brian is an architect and he works with both building codes.

Peterson joked that he could in trouble for that. "I'm one test away from that."

Peterson thanked Gruber for bringing that up because it is something he, too, wanted to clarify. Peterson noted, "The Michigan Building Code was invoked here but it's confusing. Both the International Building Code and the Michigan Building Code are pretty much the same, but they both state in their scope, Sec. 101.2, the structures that this document covers and it is pretty much everything under the sun," and quoted 'the provisions of this code shall apply to the enlargement, replacement, repair, equipment use and occupancy location to maintenance, removal and demolition or rebuilding of structure, or any appurtenance connected or attached to such buildings or structures.' Peterson added, "So it's pretty much everything. But both the International Building Code and the Michigan Building Code have an exception, the International one has two, but they both share the exception that detached, one and two family dwellings and multiple single family dwellings not more than three stories above grade/plane in height, with separate means of egress, and accessory structures shall comply with the International Residential Code or the Michigan Residential Code. So that is saying that all, if not all, most, of the houses in this town are beholden to the Michigan Residential Code and not the building code. And I know the essence of this argument is that these structures, single family homes, should not be and that's why they should be beholden to the Michigan Building Code. But, as it is now, they are single family homes and they're beholden to the residential code."

Gruber: "So the boarding houses referred to, I think boarding houses allow the renting of individual rooms for anywhere from 24 hours or longer, to separate individuals, so a 7 (seven) bedroom home could be rented to 7 (seven) different families, each of them occupying a particular bedroom for an indeterminate number of days. So we are looking at that 10 as boarding houses; but really these aren't boarding houses, these are individual homes. There is a different standard and I think what was happening was we were getting one standard mixed with another standard . . ."

Anderson addressed the chair, noting that the City Building Official also prepared a statement in regard to this. Anderson noted, "He said there are two construction codes enforced in South Haven. The first is the 2012 Michigan Building Code, which is the document cited in the letter and that we keep hearing reference to. That code regulates commercial use construction and he attached a section of the code that the letter writer addresses. That code specifically addresses uses such as boarding houses, dormitories, group homes. Residential, but commercial. Single family homes are not covered in this code even though the code references the use groups as R-1, R-2, and R-3. Those references in the building code have nothing to do with residential zoning. The second building code is the Residential Building Code of 2009. This code concerns single and two-family residences only, as Brian stated. There is no part of the code that restricts the number of bedrooms or bathrooms in the residence."

Anderson added that the City Building Official contacted the State Bureau of Construction Codes this week and confirmed what he believed was true; found it was absolutely the truth and that there are no limitations on the size of the home, the number of bedrooms, bathrooms or kitchens under the Residential Building Code, and that's the one that single family homes are under in the city." Anderson summarized, "According to our Zoning Ordinance and the building code, a single family home is a private residence regardless of

whether it is rented short term, long term or not at all.” Anderson added that if there are further specific questions on that, the Building Official may be the one to talk to.

Stimson stated that one of the emails we received had an excellent point. It was the 48 hours versus 2 (two) nights. A normal weekend rental, in her understanding, is from 3:00 on Friday to 11:00 on Sunday. That is not 48 hours. So the suggestion of the person who wrote the email was 2 (two) nights, not 48 hours, is the better description of what we are addressing. Stimson would like, and asked if anyone else would like, to make that change.

Gruber commented that he has never rented anything that had hours; it was always nights. “And I think that’s a clearer definition.”

Stimson asked if she should propose a change, to which Heinig suggested, “I think it should be done by motion.”

Motion by Stimson on page 7 (seven) under the definition of short term rental, where it says 48 hours, that be changed to 2 (two) nights, to more accurately cover what we are trying to do. Second by Paull.

A roll call vote was taken.

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

Nays: None

Motion carried.

Smith asked for clarification of whether this change should carry over to the rental ordinance itself. Stimson responded that any place where it states 48 hours, we want it changed to two (2) nights.

Heinig asked if there was further discussion and hearing none suggested the disposition or moving along of the ordinance.

Gruber noted that it was mentioned by someone that they did not have money in the game. Gruber thinks everybody in South Haven has money in the game. If you’re a homeowner, at some point, we all have ownership in something in this. I think it is important to think of it holistically. It was also mentioned going down to St. Joe and talking with John Hodgson, the city manager, and I think that was an excellent thing to do. “We’ve had some conversations with John ourselves; I had one, myself, months ago and I know that St. Joe has a pretty good plan down there. St. Joe didn’t do that from Day One. That was a process; something they came to over time. And it took years for them to get to that point. Also, I know that John has seen our plan, and mentioned to our group that gathering data is the right way to start. To get going, get started with this, understand what you’ve got to work with and then, from there, see where you need to go. I think that’s a good process. Someone asked what we feel, how we came up with the 16. Where do we feel we need to be? I, personally like the formula we came up with, 2 (two) per bedroom, 2 (two) per floor. If we look at a 3-bedroom ranch that’s only 8 (eight) people. I look at five bedrooms as being a pretty large house, especially in our older neighborhoods. If you take 5 (five) by 2 (two) we get (10), and I hope my math is right, if we have two stories, we’re at 14. I like the 14 better than the 16; I also like to see children in cribs, maybe 2 (two) and under not be counted. That’s probably the crib, the toddler, the little ones, not being included in that. I don’t see that when folks go on

vacation, it's about how many kids we can cram into a home. They're typically a couple of families having a good time and if they're enjoying themselves, having a family vacation in a family town, and you've got toddlers, you're probably going to bed early. A lot earlier than I probably do. I think the Planning Commission has done an excellent job putting this together and certainly I will be seeing this again. So this is a recommendation that will go forward; if voted on, and we'll see what happens again, but I would like to stress, if in fact this heads to CC tonight, this excellent body is done with their work, so from this time forward, you don't have to email the Planning Commission or Linda any more. Email the City Council."

Paull interjected, "And Bob Burr."

Gruber agreed, noting that emails should go to Bob Burr and all the members of the council; that if this goes forward we have something to work with and thanked everyone again for their hard work.

Peterson followed up on his earlier comments, noting that the number 10 was zoned in on from the building code. "That very well may be the ideal number, but "I don't think it is, I think it should be a little higher if we start too low before we evaluate, in my view we're going to lose some visitors to other communities who may never come back. And if we go too high before we evaluate, we may tick off some residents and they may leave town and never come back, too. So it's a conundrum we've all been tackling for several weeks and months. The backbone of our community on one hand and the lifeblood of our economy on the other. There's no real good middle ground. And about the kids. I don't disagree with what Gruber said, the under 7 (seven) or 6 (six), seems a little ominous, nefarious or catch-all, but I think what we were trying to do was not limit the family who may have 1 (one) or 2 (two) kids over the limit. And what's wrong with having an extra kid, really? I do think we need to monitor this, in case someone decides to invite their child's whole preschool, and I would be happy to put this on the chopping block when next we evaluate. Or severely reword it."

Heinig noted we will be required to evaluate this in the future.

Webb said that when this goes to council, perhaps that is something that City Council wants to consider, putting a cap on the non-infant number of children you can have so that you don't end up having eleven or twelve or eight of them. "I think that's something the council can decide; we've done our work."

Paull stated he believes this is a reasonable compromise, with the numbers as they are; we can work with them for now and review things in the fall. "And I'm going to take this opportunity to chide City Council. We wouldn't be here; we wouldn't be struggling with these details, at this time, if City Council had not, as someone mentioned earlier in the audience, revoked the existing ordinance which was beginning to serve the community in 2009. We would be refining it as we now have to deal with this coming fall. So I think it's time we fish and cut bait. And do the right thing so we can come back and revisit this issue in the fall. And all numbers should remain as they are, because they are good compromises and we have spent 6 (six) months reviewing this.

Motion by Paull that the ordinance, with the amendment as made tonight, be recommended to the City Council for approval. Second by Stimson. All ayes.

## 5. Comments

Frost: None.

Webb: "I would like to see City Council, if they are considering lowering the occupancy limits that they will reach out to Shores, Jacqua, us and get all the information you need to really make a good decision. For example, I would like to point out that of the 143 reservations that we have on the books currently for 2016, 70 of them have 11 or more people/guests. And we are actually the smallest property management company in town; I reached out to Sally (at Shores) who will put some numbers together, but at 10, that's almost half of our reservations, I think that would have a significant impact on tourism. It's not only about homeowners and management companies profiting from this, it's also about cleaners that clean these homes, restaurant owners, it's actually about all of us. Our restaurants stay open longer than they used to; many of these larger groups are actually coming in the non-peak season. So it would actually have a large impact even in the non-peak season, when retail and restaurants may struggle a little bit more." Webb noted that there is a lot of good data out there even at present and expressed her hopes that City Council will get that information before they make some decisions/changes.

Miles: Thanked everyone for the emails the past few weeks, noting that is has really been helpful.

Stimson: Please now communicate with the city council about how you feel.

Gruber: Noted that the council from 2012 to 2015, in regard to revocation of the registration ordinance, two of those members voted not to revoke and two of them never had a chance. Four out of seven were not a part of that. And since 2016, four of us never had an opportunity to vote. Now we'll get an opportunity.

Peterson: None

Fries. Expressed thanks to the commissioners for all their hard work, especially the workshops.

Heinig: Seconded Fries' comment adding, "We've done a lot of hard work on this, as has staff, and I will even thank our attorney."

## 6. Adjourn

Motion by Gruber, second by Paull to adjourn at 8:23 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom  
Recording Secretary

# City of South Haven Good Neighbor Guide

## A Guide for Renters

Welcome to the City of South Haven. We hope you enjoy our beautiful community. During your visit, please remember the Vacation Rental home where you are staying is within a residential neighborhood. Not everyone in the neighborhood is on vacation and many are required to rise early in the morning. To ensure our residents' quiet and peaceful enjoyment of their neighborhood, we have established a "Good Neighbor Guide". Please respect our residents and our city by following these guidelines. Failure to comply may result in neighborhood property owners notifying local law enforcement. This may result in fine for the renter.

### **Noise**

Be considerate and respect your neighbor's right to the quiet enjoyment of their home and property especially after 11:00 p.m. Some residents may have to work in the morning and would appreciate a good nights sleep. In addition, City Ordinance Chapter 30-29 stipulates no shouting, whistling, yelling or singing on public streets between the hours of 10:00p.m – 7:00a.m. Noise violations may result in a fine.

City Code Chapter 54, Article V prohibits disturbing the peace including noisy boisterous conduct, playing in streets or otherwise causing a public disturbance.

### **Fireworks**

No fireworks will be allowed on short term rental properties unless the owner is occupying the residence at the time.

### **Parking**

In some areas street parking is limited. Please utilize your vacation home's off-street parking whenever possible. If street parking is available, please engage in good neighbor practices by parking in front of your vacation home, being mindful not to block sidewalks, mailboxes or driveways. Please ask your property owner/manager about alternative overnight parking lots that are available to help relieve parking congestion. Overnight parking is not allowed on any public street from Nov 15 – March 15 to allow for snow plowing.

### **Garbage Pickup**

Garbage shall not be left in public view except in proper containers. The regularly scheduled garbage day for the City of South Haven is Monday. Please put your garbage out no sooner than Sunday (preferably in the evening). Emptied garbage bins should be returned to their storage location as soon as possible after pickup on Monday and shall not remain at the curb overnight. City Code Chapter 30, Article IV and Chapter 70 prohibits storing refuse containers in the parkway for more than 24 hours.

### **Pets**

All pets are required to be on leashes whenever they are in un-enclosed areas or on public streets (City Code of Ordinances, Chapter 6). When walking your dog you are required to pick up and dispose of their waste. Please do not allow your pets to trespass on neighboring property. Pets should not be allowed to make loud and frequent noise that will disturb the peace and quiet of a neighborhood. Please note that pets are not allowed on the public beaches or at the Dyckman Park pavilion during farmer's market sales.

### **Events & Occupancy**

Large events such as family reunions and weddings can have a negative impact on residential neighborhoods due to parking and noise. Please check your vacation homes policies regarding events and day guests.

### **Beach Use**

The City of South Haven has many public beaches for all to enjoy. There are also many privately owned beaches. While walking along the water is permissible in all areas, please limit your swimming activities, umbrella or blanket to the public areas only.

**South Haven Contact Information**

Code Enforcement Hotline – 269.637.1825  
South Haven Community Hospital –269.637.5271  
Emergency or Urgent Care – 911

THE ADDRESS WHERE YOU ARE STAYING IS \_\_\_\_\_