

# City Council

## Regular Meeting Agenda

Monday, November 4, 2013  
7:00 p.m., Council Chambers



City of South Haven

### 1. Call to Order

### 2. Invocation

- Pastor Duryea Gibson – Emmanuel Community Church

### 3. Roll Call

### 4. Approval of Agenda

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

(All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. Unless requested by a Council Member or a citizen, there will be no separate discussion on these items. If discussion is required regarding an item, that item will be removed from the Consent Agenda and considered separately.)

- A. Council will be requested to approve the City Council Minutes of October 21, 2013.
- B. Bills totaling \$8,459,248.97 for the period ending November 5, 2013 be approved and forwarded to the Clerk and Treasurer for payment.
- C. City Council will be asked to award bid number 2013-11, Electrical Distribution System Improvement Project #102 to SKF Contracting of Williamsburg, MI in the amount of \$59,839.60.
- D. Council will be asked to receive the following administrative reports and approved minutes to be placed on file:
  - 1) 08-26-2013 ZBA Minutes
  - 2) 09-25-2013 Housing Commission Minutes
  - 3) 09-30-2013 BPU Minutes
  - 4) 10-15-2013 Liberty Hyde Bailey Minutes
  - 5) 10-16-2013 BPU 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.*

### BOARD & COMMISSION APPOINTMENTS

6. City Council will be asked to approve the appointment of Susan Trabucci to fill a 5-year term on the Library Board expiring in 2015.

### UNFINISHED BUSINESS

7. City Council will be asked to approve Resolution 2013-64 a resolution to establish the City of South Haven Corridor Improvement Authority.

8. **City Council will be asked to consider the approval of a zoning ordinance amendment for Corridor Overlay Zoning District for the I-196 Business Loop and M-43 within the city limits of South Haven.**

NEW BUSINESS

9. **City Council will be asked to approve the Marina Rental Policy, a policy which allows members of the public to rent the facility on a short term basis, during the boating off season.**

10. **City Council will be asked to approve the Black River Park Master Plan.**

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

*(You will be given up to 5 minutes to address your concerns.)*

12. **City Manager's Comments**

13. **Mayor and Councilperson's Comments**

14. **Adjourn**

RESPECTFULLY SUBMITTED,



Brian Dissette, City Manager

## City Council

### Regular Meeting Minutes

Monday, October 21, 2013  
7:00 p.m., Council Chambers



#### 1. Call to Order

#### 2. Invocation

- Moment of Silence

#### 3. Roll Call

Present: Arnold, Fitzgibbon, Gruber, Klavins, Kozlik Wall, Patterson, Burr  
Absent: None

#### 4. Proclamation – We Care I.N.C.

#### 5. Proclamation – 2013 Housing America

#### 6. Approval of Agenda

Moved by Patterson to approve the agenda. Seconded by Fitzgibbon.

Voted Yes: All. Motion Carried.

#### 7. Consent Agenda: Items A thru C (Roll Call Vote Required)

Moved by Fitzgibbon seconded by Patterson to approve the Consent Agenda as follows:

- A. Council will be requested to approve the City Council Minutes of October 7, 2013.
- B. Bills totaling \$741,807.87 for the period ending October 22, 2013 be approved and forwarded to the Clerk and Treasurer for payment.
- C. Council will be asked to receive the following administrative reports and approved minutes to be placed on file:
  - 1) 08-13-2013 Parks Commission Minutes
  - 2) 09-05-2013 Planning Commission Minutes
  - 3) 09-09-2013 LDFA Minutes
  - 4) 09-18-2013 Airport Authority Minutes

A Roll Call Vote was taken:

Yeas: Arnold, Fitzgibbon, Gruber, Klavins, Kozlik Wall, Patterson, Burr  
Nays: None

Motion carried

## NEW BUSINESS

- 8. City Council will be asked to approve Resolution 2013-63 a resolution authorizing the city manager to purchase the properties at 552 Monroe Blvd., 556 Monroe Blvd., 560 Monroe Blvd., and 568 Monroe Blvd., incorporating Michigan Natural Resources Trust Fund Grant for acquisition of the land.**

*Background Information:* The City Council will be asked to authorize the city manager to proceed with purchase of the four (4) private properties located along Monroe Blvd., on behalf of the City. The total purchase price, for the four properties is \$950,000. The purchase will be partially funded using Michigan Natural Resources Trust Fund (MNRTF) grant funding. The MNRTF is providing \$665,000 in grant funding.

The City Council is being asked to consider authorization of staff to proceed with purchasing four parcels along Monroe Blvd. The property purchase coincides with the City Council's adopted priorities. The Council's adopted priorities for fiscal year 2013-14 includes a commitment to seeking grant funds to assist with the acquisition of privately owned, undeveloped parcels adjacent to Lake Michigan. The city's application to the MNRTF was tentatively approved by the State of Michigan in July, 2013. Over the past several months, the city's staff has been actively working to fulfill the grant requirements of the MNRTF. At this time, staff believes that the MNRTF's requirements have been satisfied and that the city can proceed with property purchase.

The four privately-owned, undeveloped parcels along Monroe Blvd. are highly valued due to their offering of unobstructed scenic views of Lake Michigan. The City of South Haven is proposing to acquire the four parcels to 1) add land to the park system; 2) ensure preservation of natural resources; and 3) offer an additional recreation opportunity to the public.

The funding request will be \$665,000 and the City will provide a 30% match of \$285,000 for a total project cost of \$950,000.

The source of funds shall be from the City of South Haven General Fund.

Moved by Gruber to approve Resolution 2013-63 a resolution authorizing the City Manager to purchase the properties at 552 Monroe Blvd., 556 Monroe Blvd., 560 Monroe Blvd., and 568 Monroe Blvd., incorporating Michigan Natural Resources Trust Fund Grant for acquisition of the land. Seconded by Kozlik Wall.

A Roll Call Vote was taken:

Yeas: Arnold, Fitzgibbon, Gruber, Klavins, Kozlik Wall, Patterson, Burr

Nays: None

Motion carried.

- 9. City Council will be asked to consider the introduction of a zoning ordinance amendment for Corridor Overlay Zoning District for the I-196 Business Loop and M-43 within the city limits of South Haven.**

*Background Information:* The City of South Haven Planning Commission has been working for the past year to develop the attached draft Corridor Overlay Zoning District for the I-196 Business Loop and M-43 corridor (“corridor”) within the city limits. This effort was prompted by recommendations and goals included in the 2011 Master Plan update (attached). The proposed ordinance establishes an overlay zoning district intended to enhance the quality and compatibility of commercial development, to establish consistent design guidelines, to encourage the most appropriate use of lands, to promote the safe and efficient movement of traffic and preserve property values along the corridor through the City of South Haven, Michigan.

Overlay zoning creates a special zoning district, placed over existing zoning districts, which identify special provisions in addition to those in the underlying zone. The overlay district may share common boundaries with the underlying zone or cut across zone boundaries. Regulations attached to the overlay district are usually designed to protect a specific resource or guide development within a specific area. In this case, the city intends for the overlay zoning to protect residential neighborhoods adjacent to the nonresidential areas of the corridor and to standardize site amenities such as signage, landscaping and building setback requirements. Overlay zones typically provide for a higher level of regulations than the underlying zone such as landscaping and screening between uses, but may also be used to permit less restrictive standards such, as in this case, with less restrictive parking requirements.

This proposed ordinance does not and will not apply to any residences or residentially-zoned properties along the corridor.

The proposed ordinance does not have an immediate effect on any existing uses or properties along the corridor. The same businesses and activities permitted now will be permitted under the overlay zoning. The ordinance will only affect properties undergoing redevelopment or major modification. No changes will be required of any business now operating.

*Public Involvement:* A public open house was held on July 27, 2013 to provide information to all property owners affected by the amendment. Staff mailed 230 invitations to nonresidential properties within the corridor overlay area. Planning commissioners and the project consultant, Progressive Engineering, were available to answer questions from the public. While only five (5) property owners attended, staff felt the concerns of the attendees were addressed.

One inquiry was received from a resident unable to attend the open house. The resident requested that the planning commission discuss his concern and make a determination on his request. The concern involved the Honor Credit Union, located at 749 Phillips Street, which the resident wanted removed from the overlay zone. His concern was that including the property would encourage future expansion of the use or a replacement use which would be more disruptive to the neighborhood. The planning commissioners discussed the matter and determined “that the reasons given to take it out (of the overlay zone) are the very reasons it should not be taken out”. By unanimous consensus, the commission members determined that no nonresidential property should be taken out of the proposed overlay zone.

A public hearing was held on September 5, 2013 after providing notice in accordance with

**DRAFT**

the Michigan Zoning Enabling Act, 2006 PA 110, as amended, MCL 125.3101 *et seq.* (the "MZEA"), and the City of South Haven Zoning Ordinance Staff mailed notices to all the property owners included in the open house mailing as well as nonresidential owners within 300 feet of the corridor. There were no public comments offered at that hearing.

Prior to the public hearing, staff asked the city attorney to review the draft ordinance and provide comments to the staff. Modifications were made to the draft in accordance with the attorney comments.

Public Comment:

Don Beemis – Voiced his concern about the overlay district.

Mary Lynn Bugge – Spoke about the visual enhancements the overlay will create, and also better access for bikes and cars creating less traffic issues.

Moved by Fitzgibbon to approve the introduction of a zoning ordinance amendment for Corridor Overlay Zoning District for the I-196 Business Loop and M-43 within the city limits of South Haven. Seconded by Patterson.

Voted Yes: All. Motion Carried.

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

### **11. City Manager's Comments**

### **12. Mayor and Councilperson's Comments**

Klavins: No comment

Arnold: No comment

Patterson: Thanked the police for holding the home safety meeting.

Fitzgibbon: Spoke about leaf pick-up and to be safe on Halloween.

Gruber: Thanked the police and also the public for coming out for the home safety meeting.

Kozlik Wall: No comment

Burr: Synagogue was the backdrop in a movie early this morning.

### **13. Adjourn**

Moved by Fitzgibbon to adjourn. Seconded by Gruber.

Voted Yes: All. Motion carried. Meeting adjourned at 7:48 p.m.

RESPECTFULLY SUBMITTED,

City of South Haven  
Regular Meeting Council Minutes  
City Hall, Council Chambers  
7:00 p.m., Monday, October 21, 2013

**DRAFT**

A handwritten signature in black ink, appearing to read "M. Coffey".

Michelle Coffey  
Deputy City Clerk

Approved by City Council: **DRAFT**

**CITY OF SOUTH HAVEN  
NOVEMBER 5, 2013**

	PREPAID	CURRENT	TOTAL
101-GENERAL FUND	\$ 169,952.42	\$ 58,373.20	\$ 228,325.62
202-MAJOR STREET FUND	\$ 4,975.78	\$ 6,623.49	\$ 11,599.27
203-LOCAL STREET FUND	\$ -	\$ 398.73	\$ 398.73
204-STREET FUND	\$ 62,166.05	\$ 72,535.77	\$ 134,701.82
226-GARBAGE/REFUSE FUND	\$ -		\$ -
250-DOWNTOWN DEVELOPMENT	\$ 306,825.75	\$ 33,663.62	\$ 340,489.37
251-LDFA #1	\$ -		\$ -
253-LDFA #3	\$ -		\$ -
260-BROWNFIELD AUTHORITY	\$ -		\$ -
265-NARCOTICS UNIT	\$ -		\$ -
266-POLICE TRAINING	\$ 995.00		\$ 995.00
296-RIVER MAINTENANCE	\$ -	\$ -	\$ -
363- CAPITAL BOND	\$ 88,628.75		
370- BUILDING AUTHORITY #2	\$ 237,837.50		
371-CAPITAL BOND DEBT SERV	\$ 47,943.75		\$ 47,943.75
372-WATER PLANT FUND	\$ -		\$ -
395-DDA DEBT SERVICE	\$ 16,042.50		\$ 16,042.50
396- DDA DISTRICT #2	\$ -	\$ -	\$ -
401-CAPITAL PROJECTS	\$ 325,558.00	\$ 33,748.94	\$ 359,306.94
402-CAPITAL PROJECTS #2	\$ -	\$ 3,351.96	\$ 3,351.96
466- PAVILION AND ICE RINK		\$ 2,293.10	
545-BLACK RIVER PARK	\$ 42.94	\$ 434.90	\$ 477.84
577-BEACH FUND	\$ 129.00	\$ 1,244.39	\$ 1,373.39
582-ELECTRIC FUND	\$ 882,762.39	\$ 28,037.05	\$ 910,799.44
591-WATER FUND	\$ 2,407.43	\$ 124,537.05	\$ 126,944.48
592-SEWER FUND	\$ 2,601.56	\$ 134,677.88	\$ 137,279.44
594-MUNICIPAL MARINA	\$ 199.26	\$ 997.30	\$ 1,196.56
636-INFORMATION SERVICES	\$ 202.72	\$ 9,970.33	\$ 10,173.05
661-MOTOR POOL	\$ 13,692.06	\$ 18,803.71	\$ 32,495.77
677-SELF INSURANCE	\$ 64.35		\$ 64.35
703-TAX FUND	\$ 6,093,506.70		\$ 6,093,506.70
718-TRUST & AGENCY	\$ 1,782.99	\$ -	\$ 1,782.99
750-EMPLOYEE WITHHOLDING	\$ -	\$ -	\$ -
<b>TOTAL</b>	<b>\$ 8,258,316.90</b>	<b>\$ 529,691.42</b>	<b>\$ 8,459,248.97</b>

Check Date	Bank	Check	Vendor	Vendor Name	Amount
Bank 1 FIFTH THIRD BANK					
10/17/2013	1	45920	MISC	CHICAGO SOUTHLAND CONVENTION & VB	200.00
10/17/2013	1	45921	000514	CONSTRUCTION ASSOCIATES INC	2,316.30
10/17/2013	1	45922	UB REFUND	FERRALL, DOUGLAS J	144.99
10/17/2013	1	45923	UB REFUND	FESTER, ALEXANDRA M	302.95
10/17/2013	1	45924	000843	FRONTIER	568.01
10/17/2013	1	45925	UB REFUND	GOODTECH LLC	3.00
10/17/2013	1	45926	001067	HI TEC BUILDING SERVICES	3,110.00
10/17/2013	1	45927	001286	KNOX, JARED	78.80
10/17/2013	1	45928	001582	MICHIGAN ASSOC OF CHIEFS OF POLICE	995.00
10/17/2013	1	45929	001985	CONNIE PHILLIPS-THOMPSON	294.94
10/17/2013	1	45930	UB REFUND	SIMCOX, HELEN M	100.00
10/17/2013	1	45931	UB REFUND	SINGH, MANJIT	62.87
10/17/2013	1	45932	003047	ERIC SMITH	78.80
10/18/2013	1	45933	000475	CLARK HILL PLC	8,056.00
10/18/2013	1	45934	000505	COMPTON INC	50.00
10/18/2013	1	45935	000533	CORNELISSE DESIGN ASSOC INC	250.00
10/18/2013	1	45936	001346	LAKEWOOD INC	325,558.00
10/18/2013	1	45937	001675	MIDWEST CIVIL ENGINEERS INC	3,422.50 V
10/18/2013	1	45938	001691	MILBOCKER & SONS INC	298,328.74
10/18/2013	1	45939	001707	MITCHELL & MORSE LAND SURVEYING	710.00
10/18/2013	1	45940	001852	NORTHERN CONSTRUCTION SERVICES	67,067.38
10/18/2013	1	45941	001948	PAT'S PRONTO PRINT	876.00
10/18/2013	1	45942	001997	PIPELINE SERVICE INC	337.50
10/18/2013	1	45943	003200	PREMIER SPORTS GROUP LLC	5,745.00
10/18/2013	1	45944	002164	RIVER CITY REPRODUCTIONS	272.06
10/18/2013	1	45945	002267	SECANT TECHNOLOGIES	170.00
10/18/2013	1	45946	002777	VANDERZEE MOTORPLEX	12,788.00
10/23/2013	1	45947	000162	ASR HEALTH BENEFITS	64.35
10/23/2013	1	45948	003195	BLUE CARE NETWORK	51,552.42
10/23/2013	1	45949	003180	COPS HEALTH TRUST	11,191.46
10/23/2013	1	45950	000624	DELTA DENTAL OF MICHIGAN	4,899.01
10/23/2013	1	45951	001405	LINCOLN NATIONAL LIFE INS CO	2,631.47
10/23/2013	1	45952	UB REFUND	BILD, KATHLEEN A	59.53
10/23/2013	1	45953	UB REFUND	BLACK, MICHAEL D	32.44
10/23/2013	1	45954	UB REFUND	CEDENO, TERESA D	181.44
10/23/2013	1	45955	UB REFUND	FAZZINI, DUSTIN B	92.58
10/23/2013	1	45956	UB REFUND	JURJOVEC, EVELYN	9.80
10/23/2013	1	45957	UB REFUND	KAPTUR, TROY A	343.08
10/23/2013	1	45958	UB REFUND	KENNY, DONNA	38.23
10/23/2013	1	45959	UB REFUND	KENNY, DONNA A	15.46
10/23/2013	1	45960	UB REFUND	STATLER, KAREN R	30.31
10/23/2013	1	45961	001329	LAKE MICHIGAN COLLEGE	338,955.21 V
10/23/2013	1	45962	002415	SOUTH HAVEN PUBLIC SCHOOLS	3,503,782.42 V
10/23/2013	1	45963	002757	VAN BUREN COUNTY TREASURER	2,201,288.55 V
10/24/2013	1	45964	001329	LAKE MICHIGAN COLLEGE	338,906.72
10/24/2013	1	45965	002415	SOUTH HAVEN PUBLIC SCHOOLS	3,503,378.69
10/24/2013	1	45966	002757	VAN BUREN COUNTY TREASURER	2,201,004.22
10/24/2013	1	45967	001329	LAKE MICHIGAN COLLEGE	3,732.05
10/24/2013	1	45968	002415	SOUTH HAVEN PUBLIC SCHOOLS	24,594.69
10/24/2013	1	45969	002757	VAN BUREN COUNTY TREASURER	21,890.33
10/24/2013	1	45970	002949	WOLVERINE HARDWARE	1,244.15
10/25/2013	1	45971	000048	AL VAN HUMANE SOCIETY	1,750.00
10/25/2013	1	45972	000498	COMCAST	134.85
10/25/2013	1	45973	000506	COMPTON, HENRY J	28.25
10/25/2013	1	45974	000597	DEBRA DAVIDSON	86.45
10/25/2013	1	45975	000843	FRONTIER	273.77
10/25/2013	1	45976	000847	FUEL MANAGEMENT SYSTEM	5,781.15
10/25/2013	1	45977	001491	TOM MARTIN	797.76
10/25/2013	1	45978	001610	MICHIGAN GAS UTILITIES	1,983.72
10/25/2013	1	45979	002395	SOUTH HAVEN COMMUNITY HOSPITAL	177.55
10/25/2013	1	45980	002410	SOUTH HAVEN MEMORIAL LIBRARY	316.95
10/25/2013	1	45981	002415	SOUTH HAVEN PUBLIC SCHOOLS	11,496.27
10/25/2013	1	45982	002417	SOUTH HAVEN SENIOR SERVICES	134.30
10/25/2013	1	45983	003191	SWAN, WILL	162.72
10/25/2013	1	45984	002610	THOMPSON, NATALIE	43.39
10/25/2013	1	45985	003203	TROWBRIDGE, MELINDA	645.31
10/25/2013	1	45986	002757	VAN BUREN COUNTY TREASURER	7,076.17
10/25/2013	1	45987	002758	VAN BUREN INTERMEDIATE	3,208.64
10/25/2013	1	45988	002790	VERIZON NORTH	2,307.35
10/25/2013	1	45989	003085	WATERFRONT FILM FESTIVAL	985.23
10/25/2013	1	45990	002410	SOUTH HAVEN MEMORIAL LIBRARY	56,206.63
10/29/2013	1	45991	002665	TREECORE	10,849.00
10/29/2013	1	45992	000468	CITY OF SOUTH HAVEN-PETTY CASH	701.56

1 TOTALS:

Total of 73 Checks:  
 Less 4 Void Checks:

13,046,952.47  
 6,047,448.68

User: ksteinman

CHECK NUMBERS 45920 - 45992

DB: South Haven

Check Date	Bank	Check	Vendor	Vendor Name	Amount
Total of 69 Disbursements:					6,999,503.79

10/30/2013 12:41 PM  
User: ksteinman  
DB: South Haven

CHECK REGISTER FOR CITY OF SOUTH HAVEN  
CHECK DATE FROM 10/15/2013 - 10/25/2013

Check Date	Bank	Check	Vendor	Vendor Name	Amount
Bank 1 FIFTH THIRD BANK					
10/15/2013	1	31 (E)	000087	AMERICAN ELECTRIC POWER	868,360.61
10/25/2013	1	32 (E)	002726	US BANK	390,452.50
1 TOTALS:					
Total of 2 Checks:					1,258,813.11
Less 0 Void Checks:					0.00
Total of 2 Disbursements:					1,258,813.11

Check Date	Bank	Check #	Vendor Code	Vendor Name	Amount	# Invoices
11/05/2013	1	45993	000014	ABONMARCHE CONSULTANTS INC	26,988.89	8
11/05/2013	1	45994	000027	ADAMS REMCO, INC.	6,621.50	4
11/05/2013	1	45995	000102	AMERICAN VILLAGE BUILDERS	127.50	1
11/05/2013	1	45996	000177	AUTOWARES INC	575.58	14
11/05/2013	1	45997	003146	B & R MOBILE HOMES INC	1,793.94	1
11/05/2013	1	45998	000200	BARBER & SONS INC	10,895.00	1
11/05/2013	1	45999	000229	BEAVER RESEARCH COMPANY	1,450.63	2
11/05/2013	1	46000	000290	BLUE STAR SUPPLY	74.85	1
11/05/2013	1	46001	000303	MERLE BOES INC	3,874.38	2
11/05/2013	1	46002	000346	BRUSH ENTERPRISES	156.11	3
11/05/2013	1	46003	000351	BS&A SOFTWARE INC	8,435.00	2
11/05/2013	1	46004	003145	CANNEY'S WATER TREATMENT	31.99	1
11/05/2013	1	46005	000418	CDW GOVERNMENT INC	678.78	2
11/05/2013	1	46006	000453	CHIEF SUPPLY CORP	886.88	7
11/05/2013	1	46007	000471	CITY PLUMBING & HEATING CO	675.00	1
11/05/2013	1	46008	000505	COMPTON INC	15,616.00	4
11/05/2013	1	46009	002994	CONSTRUCTION VIDEO MEDIA INC	4,745.00	1
11/05/2013	1	46010	000519	CONSUMERS ENERGY	131.83	3
11/05/2013	1	46011	000590	DAKOTA CURLING SUPPLIES	463.16	1
11/05/2013	1	46012	000604	DE BEST INC	6,114.92	2
11/05/2013	1	46013	000608	DE SAL EXCAVATING INC	207,615.31	1
11/05/2013	1	46014	000622	DELL MARKETING L P	3,331.20	1
11/05/2013	1	46015	003168	ELWOOD STAFFING	2,138.60	2
11/05/2013	1	46016	003123	EMERGENCY VEHICLE PRODUCTS F161733	2,882.39	1
11/05/2013	1	46017	000738	ENVIRONMENTAL RESOURCE ASSOCIATES	165.50	1
11/05/2013	1	46018	000776	FIDLAR TECHNOLOGIES INC	58.98	1
11/05/2013	1	46019	000837	FREIGHTLINER OF KALAMAZOO	600.62	1
11/05/2013	1	46020	000872	GEMPLER'S	722.15	4
11/05/2013	1	46021	000913	GRAINGER	22.11	1
11/05/2013	1	46022	000922	GRANICUS, INC	150.00	1
11/05/2013	1	46023	000939	GREAT LAKES ENERGY	1,975.00	1
11/05/2013	1	46024	001007	HARDESTY & HANOVER, LLP	3,351.96	1
11/05/2013	1	46025	001126	ICE BUILDERS SUPPLY, INC	2,293.10	2
11/05/2013	1	46026	001161	INTERSTATE ALL BATTERY CENTER	213.90	1
11/05/2013	1	46027	001171	J & L ORCHARD SUPPLY LLC	514.90	1
11/05/2013	1	46028	001196	JOHN'S STEREO INC	20.96	1
11/05/2013	1	46029	001246	KENDALL ELECTRIC INC	2,729.93	4
11/05/2013	1	46030	001248	KENNEDY INDUSTRIES INC	4,798.51	1
11/05/2013	1	46031	003055	KIESLER'S POLICE SUPPLY INC	2,296.00	1
11/05/2013	1	46032	001330	LAKE MICHIGAN CONCESSION	1,200.00	1
11/05/2013	1	46033	001343	LAKESHORE PAINT & ARTWORKS	88.78	1
11/05/2013	1	46034	001544	MENARDS	1,265.73	18
11/05/2013	1	46035	001582	MICHIGAN ASSOC OF CHIEFS OF POLICE	50.00	1
11/05/2013	1	46036	003167	MICHIGAN DEPT OF ENVIRO QUALITY	750.00	1
11/05/2013	1	46037	001672	MIDSTATE SECURITY	31,955.00	1
11/05/2013	1	46038	001675	MIDWEST CIVIL ENGINEERS INC	5,806.50	3
11/05/2013	1	46039	001852	NORTHERN CONSTRUCTION SERVICES	76,745.15	2
11/05/2013	1	46040	001863	NTH CONSULTANTS, LTD	5,840.08	1
11/05/2013	1	46041	001881	OFFICE MAX INC	123.50	2
11/05/2013	1	46042	001902	OPTIMIZATION SOLUTIONS	1,250.00	1
11/05/2013	1	46043	001911	OTTAGAN PLUMBING & TESTING INC	1,300.20	4
11/05/2013	1	46044	001939	PARKWAY ELECTRIC &	2,510.00	1
11/05/2013	1	46045	002002	PLUMBER'S PORTABLE TOILETS	132.00	1
11/05/2013	1	46046	002020	POWER LINE SUPPLY CO	10,282.10	10
11/05/2013	1	46047	002060	PUBLIC AGENCY TRAINING COUNCIL	425.00	1
11/05/2013	1	46048	002088	QUINN ELECTRICAL CONTRACTORS	114.65	1
11/05/2013	1	46049	002155	RIDGE AND KRAMER AUTO PARTS	276.39	2
11/05/2013	1	46050	002230	SAWYER ENGINE & COMPRESSOR	482.32	1

User: ksteinman  
 DB: South Haven

BANK CODE: 1 CHECK DATE: 11/05/2013 INVOICE PAY DATE FROM 11/05/2013 TO 11/05/2013

Check Date	Bank	Check #	Vendor Code	Vendor Name	Amount	# Invoices
11/05/2013	1	46051	002342	SKIDMORE'S	7,274.50	1
11/05/2013	1	46052	002361	SMITH'S CONCRETE CUTTING	1,364.90	2
11/05/2013	1	46053	002373	SOIL & MATERIALS ENGINEERS INC	1,778.13	1
11/05/2013	1	46054	003132	SOUTH HAVEN HEALTH SYSTEM	12.00	1
11/05/2013	1	46055	002418	SOUTH HAVEN SMALL ENGINES	71.49	1
11/05/2013	1	46056	002453	SPENCER MANUFACTURING, INC	193.00	1
11/05/2013	1	46057	002575	STANDARD PRINTING & PACKAGING	34.25	1
11/05/2013	1	46058	002478	STAPLES ADVANTAGE	131.45	3
11/05/2013	1	46059	002562	SYNAGRO CENTRAL, LLC	18,012.11	1
11/05/2013	1	46060	002589	TERMINIX PROCESSING CENTER	41.00	1
11/05/2013	1	46061	002590	TERRA CONTRACTING LLC	877.50	1
11/05/2013	1	46062	002634	TOTAL ENERGY SYSTEMS LLC	571.00	1
11/05/2013	1	46063	002645	TRACTOR SUPPLY CREDIT PLAN	349.97	2
11/05/2013	1	46064	002665	TREECORE	28,960.00	1
11/05/2013	1	46065	002698	U S BUSINESS SYSTEMS INC	99.14	1
11/05/2013	1	46066	002721	UPLINK SECURITY LLC	12.90	1
11/05/2013	1	46067	002728	USA BLUE BOOK	1,154.59	5
11/05/2013	1	46068	002843	RON WASHEGESIC	360.00	2
11/05/2013	1	46069	002953	WOODHAMS, INC , DON	1,578.03	3

Num Checks: 77

Num Invoices: 171

Total Amount: 529,691.42

INVOICE REGISTER REPORT FOR CITY OF SOUTH HAVEN  
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Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnalized Post Date
107730 35152	ABONMARCHE CONSULTANTS INC FALL PAVING DESIGN SERVICES PER PR 204-446-801-000 202-447-801-000 203-447-801-000	10/21/2013 ksteinman	11/05/2013	7,974.56 6,379.65 1,196.18 398.73	0.00	P	Y 10/29/2013
107756 35163	ABONMARCHE CONSULTANTS INC ELKENBURG PARK PHASE II 101-751-801-000-0146	10/23/2013 ksteinman PROFESSIONAL/CONSULTING FEES	11/05/2013	2,963.80 2,963.80	0.00	P	Y 10/29/2013
107755 35164	ABONMARCHE CONSULTANTS INC VAN BUREN TRAIL CONNECTION DEVELOP 250-729-974-018-0127	10/23/2013 ksteinman CAPITAL PROJECTS	11/05/2013	5,007.25 5,007.25	0.00	P	Y 10/29/2013
107670 35183	ABONMARCHE CONSULTANTS INC PHOENIX & CENTER TRAFFIC SIGNAL 250-729-974-018-0150	10/08/2013 ksteinman CAPITAL PROJECTS	11/05/2013	426.00 426.00	0.00	P	Y 10/30/2013
107669 35184	ABONMARCHE CONSULTANTS INC KAL- HAVEN TRAIL DOWNTOWN CONNECTI 250-729-974-018-0127	10/08/2013 ksteinman CAPITAL PROJECTS	11/05/2013	487.50 487.50	0.00	P	Y 10/30/2013
107539 35185	ABONMARCHE CONSULTANTS INC PHOENIX STREET DESIGN ASSISTANCE 250-729-974-018-0150	09/20/2013 ksteinman PHOENIX STREET DESIGN ASSISTANCE	11/05/2013	4,304.00 4,304.00	0.00	P	Y 10/30/2013
107671 35186	ABONMARCHE CONSULTANTS INC PHOENIX STREET DESIGN ASSISTANCE 250-729-974-018-0150	10/08/2013 ksteinman CAPITAL PROJECTS	11/05/2013	3,910.00 3,910.00	0.00	P	Y 10/30/2013
107729 35187	ABONMARCHE CONSULTANTS INC PHOENIX STREET DESIGN ASSISTANCE 250-729-974-018-0150	10/21/2013 ksteinman CAPITAL PROJECTS	11/05/2013	1,915.78 1,915.78	0.00	P	Y 10/30/2013
034825 34926	ADAMS REMCO, INC. SERVICE 101-265-802-000	10/14/2013 ksteinman OTHER CONTRACTUAL SERVICES	11/05/2013	172.80 172.80	0.00	P	Y 10/23/2013

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Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnalized Post Date
032940 34927	ADAMS REMCO, INC. COPIER 636-258-980-001	10/09/2013 ksteinman COMPUTER HARDWARE	11/05/2013	6,065.00 6,065.00	0.00	P	Y 10/23/2013
B32940 1 35142	ADAMS REMCO, INC. TOSHIBA LCF 101-265-802-000	10/21/2013 ksteinman OTHER CONTRACTUAL SERVICES	11/05/2013	284.00 284.00	0.00	P	Y 10/29/2013
035057 1 35143	ADAMS REMCO, INC. STAPLES 101-265-802-000	10/16/2013 ksteinman OTHER CONTRACTUAL SERVICES	11/05/2013	99.70 99.70	0.00	P	Y 10/29/2013
0000806261 35075	AMERICAN VILLAGE BUILDERS WATER OPERATOR CERTIFICATION STUDY 591-559-741-000	10/09/2013 ksteinman OPERATING SUPPLIES	11/05/2013	127.50 127.50	0.00	P	Y 10/28/2013
233-783812 35099	AUTOWARES INC REPAIR/MAINTENANCE SUPPLIES 661-450-741-003	10/15/2013 ksteinman REPAIR & MAINT SUPPLIES	11/05/2013	17.19 17.19	0.00	P	Y 10/28/2013
233-784003 35100	AUTOWARES INC REPAIR/MAINTENANCE SUPPLIES 661-450-741-000	10/16/2013 ksteinman OPERATING SUPPLIES	11/05/2013	(14.98) (14.98)	0.00	P	Y 10/28/2013
233-784904 35101	AUTOWARES INC REPAIR/MAINTENANCE SUPPLIES 661-450-741-000	10/24/2013 ksteinman OPERATING SUPPLIES	11/05/2013	4.58 4.58	0.00	P	Y 10/28/2013
233-783982 35102	AUTOWARES INC REPAIR/MAINTENANCE SUPPLIES 661-450-741-000	10/16/2013 ksteinman OPERATING SUPPLIES	11/05/2013	53.43 53.43	0.00	P	Y 10/28/2013
233-784229 35103	AUTOWARES INC REPAIR/MAINTENANCE SUPPLIES 661-450-741-003	10/18/2013 ksteinman REPAIR & MAINT SUPPLIES	11/05/2013	60.86 60.86	0.00	P	Y 10/28/2013

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Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnalized Post Date
233-784302 35104	AUTOWARES INC REPAIR/MAINTENANCE SUPPLIES 101-446-741-000	10/18/2013 ksteinman OPERATING SUPPLIES	11/05/2013	17.59 17.59	0.00	P	Y 10/28/2013
233-783996 35105	AUTOWARES INC REPAIR/MAINTENANCE SUPPLIES 661-450-741-000	10/16/2013 ksteinman OPERATING SUPPLIES	11/05/2013	14.98 14.98	0.00	P	Y 10/28/2013
233-784514 35106	AUTOWARES INC REPAIR/MAINTENANCE SUPPLIES 661-450-742-000	10/21/2013 ksteinman SMALL TOOLS	11/05/2013	(44.34) (44.34)	0.00	P	Y 10/28/2013
233-783970 35107	AUTOWARES INC REPAIR/MAINTENANCE SUPPLIES 592-559-933-000	10/16/2013 ksteinman REPAIRS/MAINTENANCE - EQUIP	11/05/2013	55.56 55.56	0.00	P	Y 10/28/2013
233-784775 35108	AUTOWARES INC REPAIR/MAINTENANCE SUPPLIES 661-450-742-000	10/23/2013 ksteinman SMALL TOOLS	11/05/2013	9.98 9.98	0.00	P	Y 10/28/2013
233-784721 35109	AUTOWARES INC REPAIR/MAINTENANCE SUPPLIES 661-450-741-000	10/22/2013 ksteinman OPERATING SUPPLIES	11/05/2013	22.93 22.93	0.00	P	Y 10/28/2013
233-784792 35110	AUTOWARES INC REPAIR/MAINTENANCE SUPPLIES 661-450-741-003	10/23/2013 ksteinman REPAIR & MAINT SUPPLIES	11/05/2013	20.98 20.98	0.00	P	Y 10/28/2013
233-785112 35166	AUTOWARES INC REPAIR/MAINTENANCE SUPPLIES 661-450-741-003	10/25/2013 ksteinman REPAIR & MAINT SUPPLIES	11/05/2013	15.48 15.48	0.00	P	Y 10/30/2013
233-785271 35167	AUTOWARES INC REPAIR/MAINTENANCE SUPPLIES 661-450-741-003	10/28/2013 ksteinman REPAIR & MAINT SUPPLIES	11/05/2013	341.34 341.34	0.00	P	Y 10/30/2013

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Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnlized
Inv Ref#	Description	Entered By					Post Date
BL27183							
35068	BARBER & SONS INC BARBER 2013 SAND MAN 661-450-981-000	08/22/2013 ksteinman	11/05/2013	10,895.00 10,895.00	0.00	P	Y 10/25/2013
	VEHICLES						
0202658-IN							
34956	BEAVER RESEARCH COMPANY INSTANT KLEEN 101-265-741-000	10/16/2013 ksteinman	11/05/2013	84.28 84.28	0.00	P	Y 10/23/2013
	OPERATING SUPPLIES						
0203021-IN							
35178	BEAVER RESEARCH COMPANY ICE BUSTER 250-751-741-000	10/24/2013 ksteinman	11/05/2013	1,366.35 1,366.35	0.00	P	Y 10/30/2013
	ICE RINK SUPPLIES						
13852							
34953	BLUE STAR SUPPLY LP TANK FILLS 661-450-741-003	07/15/2013 ksteinman	11/05/2013	74.85 74.85	0.00	P	Y 10/23/2013
	REPAIR & MAINT SUPPLIES						
438414							
34933	MERLE BOES INC SUPPLIES 661-450-741-003	10/14/2013 ksteinman	11/05/2013	2,155.40 2,155.40	0.00	P	Y 10/23/2013
	REPAIR & MAINT SUPPLIES						
438640							
34946	MERLE BOES INC MOTOR OIL 661-450-748-000	10/17/2013 ksteinman	11/05/2013	1,718.98 1,718.98	0.00	P	Y 10/23/2013
	MOTOR FUEL & LUBRICANTS						
5472							
35137	BRUSH ENTERPRISES FITTING 661-450-741-003	10/15/2013 ksteinman	11/05/2013	11.25 11.25	0.00	P	Y 10/29/2013
	REPAIR & MAINT SUPPLIES						
5478							
35138	BRUSH ENTERPRISES REPLACED U-JOINTS 661-450-935-000	10/17/2013 ksteinman	11/05/2013	142.36 142.36	0.00	P	Y 10/29/2013
	REPAIRS/MAINTENANCE - VEHICLES						
5502							
35170	BRUSH ENTERPRISES REPAIRS 661-450-741-003	10/21/2013 ksteinman	11/05/2013	2.50 2.50	0.00	P	Y 10/30/2013
	REPAIR & MAINT SUPPLIES						

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Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnalized Post Date
093976 34929	BS&A SOFTWARE INC BUILDING DEPT .NET PROGRAM 101-371-980-000	10/16/2013 ksteinman	11/05/2013	6,000.00	0.00	P	Y 10/23/2013
	OFFICE EQUIPMENT & FURNITURE			6,000.00			
093783 35171	BS&A SOFTWARE INC INTERNET SERVICES 101-202-801-000	11/01/2013 ksteinman	11/05/2013	2,435.00	0.00	P	Y 11/01/2013
	PROFESSIONAL/CONSULTING FEES			2,435.00			
GK29311 34924	CDW GOVERNMENT INC HP SB 4540S 636-258-980-001	10/10/2013 ksteinman	11/05/2013	574.13	0.00	P	Y 10/23/2013
	COMPUTER HARDWARE			574.13			
GJ47142 35070	CDW GOVERNMENT INC TONER 101-301-741-000	10/09/2013 ksteinman	11/05/2013	104.65	0.00	P	Y 10/28/2013
	OPERATING SUPPLIES			104.65			
324789 35066	CHIEF SUPPLY CORP SUPPLIES 101-301-933-000	10/14/2013 ksteinman	11/05/2013	51.47	0.00	P	Y 10/25/2013
	REPAIRS/MAINTENANCE - EQUIP			51.47			
322453 35145	CHIEF SUPPLY CORP FLARES 101-301-741-000	10/09/2013 ksteinman	11/05/2013	295.25	0.00	P	Y 10/29/2013
	OPERATING SUPPLIES			295.25			
330575 35173	CHIEF SUPPLY CORP UNIFORMS 101-301-729-000	10/23/2013 ksteinman	11/05/2013	98.79	0.00	P	Y 10/30/2013
	UNIFORMS			98.79			
329686 35174	CHIEF SUPPLY CORP UNIFORMS 101-301-729-000	10/22/2013 ksteinman	11/05/2013	182.15	0.00	P	Y 10/30/2013
	UNIFORMS			182.15			
327852 35175	CHIEF SUPPLY CORP UNIFORMS 101-301-729-000	10/18/2013 ksteinman	11/05/2013	60.48	0.00	P	Y 10/30/2013
	UNIFORMS			60.48			

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Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnalized Post Date
326363 35176	CHIEF SUPPLY CORP UNIFORMS 101-301-729-000	10/16/2013 ksteinman UNIFORMS	11/05/2013	166.76 166.76	0.00	P	Y 10/30/2013
329742 35177	CHIEF SUPPLY CORP UNIFORMS 101-301-729-000	10/22/2013 ksteinman UNIFORMS	11/05/2013	31.98 31.98	0.00	P	Y 10/30/2013
024143 34925	CITY PLUMBING & HEATING CO MAINTENANCE AGREEMENT 10/1/13-12/3 101-265-802-000	10/10/2013 ksteinman OTHER CONTRACTUAL SERVICES	11/05/2013	675.00 675.00	0.00	P	Y 10/23/2013
101330 35135	COMPTON INC BAKERY ALLEY 204-446-802-000	10/18/2013 ksteinman OTHER CONTRACTUAL SERVICES	11/05/2013	8,246.00 8,246.00	0.00	P	Y 10/29/2013
101320 35158	COMPTON INC SEWER HOOKUP ELKENBURG PARK OFF KA 592-558-802-000	10/17/2013 ksteinman OTHER CONTRACTUAL SERVICES	11/05/2013	1,710.00 1,710.00	0.00	P	Y 10/29/2013
091324 35159	COMPTON INC INSTALL 20' OF 4" DUCTILE IRON WAT 591-558-802-000	09/23/2013 ksteinman OTHER CONTRACTUAL SERVICES	11/05/2013	3,420.00 3,420.00	0.00	P	Y 10/29/2013
101342 35179	COMPTON INC WATER SERVICE AT 73368 26TH AVE 591-565-802-000	10/28/2013 ksteinman OTHER CONTRACTUAL SERVICES	11/05/2013	2,240.00 2,240.00	0.00	P	Y 10/30/2013
10/23/13 35132	CONSUMERS ENERGY ELECTRIC 1000-1414-0337 592-562-921-000	10/23/2013 ksteinman UTILITIES - ELECTRIC	11/05/2013	57.11 57.11	0.00	P	Y 10/29/2013
10/10/13 35133	CONSUMERS ENERGY ELECTRIC 1000-141-0568 592-562-921-000	10/10/2013 ksteinman UTILITIES - ELECTRIC	11/05/2013	38.74 38.74	0.00	P	Y 10/29/2013

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Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnalized Post Date
10/23/13 35134	CONSUMERS ENERGY ELECTRIC 1000-1414-0840 592-562-921-000	10/23/2013 ksteinman UTILITIES - ELECTRIC	11/05/2013	35.98 35.98	0.00	P	Y 10/29/2013
0005202 35080	DAKOTA CURLING SUPPLIES SUPPLIES 250-751-741-000	10/18/2013 ksteinman ICE RINK SUPPLIES	11/05/2013	463.16 463.16	0.00	P	Y 10/28/2013
3412 35056	DE BEST INC LANDSCAPE SUPPLIES 101-276-741-000	10/19/2013 ksteinman OPERATING SUPPLIES	11/05/2013	425.00 425.00	0.00	P	Y 10/25/2013
13839 35155	DE BEST INC REPLACED DAMAGED RETAINING WALL 582-558-802-000	10/21/2013 ksteinman OTHER CONTRACTUAL SERVICES	11/05/2013	5,689.92 5,689.92	0.00	P	Y 10/29/2013
PAY REQ #2 35190*	DE SAL EXCAVATING INC KALAMAZOO ST RECONSTRUCTION PHASE 591-558-802-000-0126 592-558-802-000-0126 101-446-801-000 204-002-211-133	10/15/2013 ksteinman OTHER CONTRACTUAL SERVICES OTHER CONTRACTUAL SERVICES PROFESSIONAL/CONSULTING FEES RETAINAGE-DE SAL EXCAVATING	11/05/2013	207,615.31 114,997.80 103,449.62 12,236.24 (23,068.35)	0.00	P	Y 10/30/2013
XJ7W2NN63 34948	DELL MARKETING L P COMPUTER HARDWARE 636-258-980-001	09/27/2013 ksteinman COMPUTER HARDWARE	11/05/2013	3,331.20 3,331.20	0.00	P	Y 10/23/2013
700562 34938	ENVIRONMENTAL RESOURCE ASSOCIATES LAB SUPPLIES 591-559-741-000	10/07/2013 ksteinman OPERATING SUPPLIES	11/05/2013	165.50 165.50	0.00	P	Y 10/23/2013
W33621-IN 35144	FIDLAR TECHNOLOGIES INC BAIL BOND 101-301-741-000	09/30/2013 ksteinman OPERATING SUPPLIES	11/05/2013	58.98 58.98	0.00	P	Y 10/29/2013
X002169881:01 35062	FREIGHTLINER OF KALAMAZOO SUPPLIES	10/22/2013 ksteinman	11/05/2013	600.62	0.00	P	Y 10/25/2013

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Inv Num Inv Ref#	Vendor Description	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
	GL Distribution 661-450-741-003	REPAIR & MAINT SUPPLIES		600.62			
1019783539 34934	GEMPLER'S SUPPLIES 591-558-729-001 592-558-729-001 101-446-729-001	10/08/2013 ksteinman OTHER CLOTHING & SUPPLIES OTHER CLOTHING & SUPPLIES OTHER CLOTHING & SUPPLIES	11/05/2013	404.15 134.72 134.71 134.72	0.00	P	Y 10/23/2013
1019785706 34955	GEMPLER'S THERMAL UTILITY GLOVE 591-558-729-001 592-558-729-001 101-446-729-001	10/09/2013 ksteinman OTHER CLOTHING & SUPPLIES OTHER CLOTHING & SUPPLIES OTHER CLOTHING & SUPPLIES	11/05/2013	60.60 20.20 20.20 20.20	0.00	P	Y 10/23/2013
1019802689 35168	GEMPLER'S RAIN JACKET 101-446-729-001	10/18/2013 ksteinman OTHER CLOTHING & SUPPLIES	11/05/2013	128.70 128.70	0.00	P	Y 10/30/2013
1019810362 35169	GEMPLER'S RAIN JACKET 101-446-729-001	10/23/2013 ksteinman OTHER CLOTHING & SUPPLIES	11/05/2013	128.70 128.70	0.00	P	Y 10/30/2013
49216 34949	GRANICUS, INC MONTHLY MANAGED SERVICE 101-294-802-000	10/15/2013 ksteinman OTHER CONTRACTUAL SERVICES	11/05/2013	150.00 150.00	0.00	P	Y 10/23/2013
80847 34944	GREAT LAKES ENERGY APPRENTICE PROGRAM JARED KNOX 582-558-860-000	10/18/2013 ksteinman TRAVEL/CONFERENCES/TRAINING	11/05/2013	1,975.00 1,975.00	0.00	P	Y 10/23/2013
7/27 TO 10/04 35154	HARDESTY & HANOVER, LLP ENGINEERING SERVICES DYCKMAN BRIDG 402-202-988-010	10/18/2013 ksteinman MAJOR STREET UPGRADES	11/05/2013	3,351.96 3,351.96	0.00	P	Y 10/29/2013
0006008-IN 34947	ICE BUILDERS SUPPLY, INC SKATES 466-751-801-101	10/17/2013 ksteinman ICE RINK OPERATIONS	11/05/2013	2,154.25 2,154.25	0.00	P	Y 10/23/2013

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Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnlized
Inv Ref#	Description	Entered By					Post Date
0006011-IN							
35160	ICE BUILDERS SUPPLY, INC	10/23/2013	11/05/2013	138.85	0.00	P	Y
	SKATES	ksteinman					10/29/2013
	466-751-801-101	ICE RINK OPERATIONS		138.85			
1901802005597							
35073	INTERSTATE ALL BATTERY CENTER	10/17/2013	11/05/2013	213.90	0.00	P	Y
	BATTERIES	ksteinman					10/28/2013
	582-558-933-000	REPAIRS/MAINTENANCE - EQUIPM		213.90			
18029							
35139	J & L ORCHARD SUPPLY LLC	10/17/2013	11/05/2013	514.90	0.00	P	Y
	SUPPLIES	ksteinman					10/29/2013
	592-558-741-000	OPERATING SUPPLIES		514.90			
050375							
35082	JOHN'S STEREO INC	10/21/2013	11/05/2013	20.96	0.00	P	Y
	SUPPLIES	ksteinman					10/28/2013
	592-559-727-000	OFFICE SUPPLIES		20.96			
S101997545.001							
35058	KENDALL ELECTRIC INC	10/08/2013	11/05/2013	28.00	0.00	P	Y
	GDB1A BUSS 1A MINIATURE	ksteinman					10/25/2013
	582-558-933-000	REPAIRS/MAINTENANCE - EQUIPM		28.00			
S102002931.001							
35063	KENDALL ELECTRIC INC	10/09/2013	11/05/2013	613.28	0.00	P	Y
	SUPPLIES	ksteinman					10/25/2013
	582-558-933-000	REPAIRS/MAINTENANCE - EQUIPM		613.28			
S102017582.001							
35091	KENDALL ELECTRIC INC	10/16/2013	11/05/2013	39.90	0.00	P	Y
	SUPPLIES	ksteinman					10/28/2013
	592-559-741-000	OPERATING SUPPLIES		39.90			
S102034134.001							
35153	KENDALL ELECTRIC INC	10/18/2013	11/05/2013	2,048.75	0.00	P	Y
	I-LINE BREAKER	ksteinman					10/29/2013
	592-570-933-000-0055	REPAIRS/MAINTENANCE - EQUIP		2,048.75			
549520							
35150	KENNEDY INDUSTRIES INC	10/17/2013	11/05/2013	4,798.51	0.00	P	Y
	MAINTENANCE SUPPLIES	ksteinman					10/29/2013
	592-569-933-000-0074	REPAIRS/MAINTENANCE - EQUIP		4,798.51			

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Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
1 35141	LAKE MICHIGAN CONCESSION STORAGE RENTAL 10-22-13 TO 4-22-14 577-751-802-000	10/23/2013 ksteinman	11/05/2013	1,200.00 1,200.00	0.00	P	Y 10/29/2013
115181 34951	LAKESHORE PAINT & ARTWORKS PAINT 101-751-741-000 577-751-741-000	10/18/2013 ksteinman	11/05/2013	88.78 44.39 44.39	0.00	P	Y 10/23/2013
26544 34936	MENARDS MAINTENANCE SUPPLIES 101-447-727-000	10/02/2013 ksteinman	11/05/2013	1.29 1.29	0.00	P	Y 10/23/2013
25799 34937	MENARDS MAINTENANCE SUPPLIES 101-446-741-000	09/19/2013 ksteinman	11/05/2013	54.86 54.86	0.00	P	Y 10/23/2013
26866 34942	MENARDS MAINTENANCE SUPPLIES 101-301-741-000	10/07/2013 ksteinman	11/05/2013	3.29 3.29	0.00	P	Y 10/23/2013
27850 35052	MENARDS MAINTENANCE SUPPLIES 101-276-741-000	10/23/2013 ksteinman	11/05/2013	13.99 13.99	0.00	P	Y 10/25/2013
27843 35053	MENARDS MAINTENANCE SUPPLIES 661-450-975-000	10/23/2013 ksteinman	11/05/2013	55.93 55.93	0.00	P	Y 10/25/2013
27793 35057	MENARDS MAINTENANCE SUPPLIES 582-558-741-000	10/22/2013 ksteinman	11/05/2013	8.99 8.99	0.00	P	Y 10/25/2013
27697 35112	MENARDS MAINTENANCE SUPPLIES 101-751-741-000	10/21/2013 ksteinman	11/05/2013	35.82 35.82	0.00	P	Y 10/28/2013

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Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnalized Post Date
27552 35113	MENARDS MAINTENANCE SUPPLIES 101-751-741-000	10/18/2013 ksteinman OPERATING SUPPLIES	11/05/2013	27.60 27.60	0.00	P	Y 10/28/2013
27469 35114	MENARDS MAINTENANCE SUPPLIES 101-751-741-000	10/17/2013 ksteinman OPERATING SUPPLIES	11/05/2013	17.82 17.82	0.00	P	Y 10/28/2013
27719 35115	MENARDS MAINTENANCE SUPPLIES 101-751-741-000	10/21/2013 ksteinman OPERATING SUPPLIES	11/05/2013	17.97 17.97	0.00	P	Y 10/28/2013
27342 35116	MENARDS MAINTENANCE SUPPLIES 101-446-741-000	10/15/2013 ksteinman OPERATING SUPPLIES	11/05/2013	199.47 199.47	0.00	P	Y 10/28/2013
27289 35117	MENARDS MAINTENANCE SUPPLIES 592-559-931-000	10/14/2013 ksteinman REPAIRS/MAINT-BUILDS & STRCTRS	11/05/2013	582.22 582.22	0.00	P	Y 10/28/2013
27465 35118	MENARDS MAINTENANCE SUPPLIES 592-559-742-000	10/17/2013 ksteinman SMALL TOOLS	11/05/2013	88.61 88.61	0.00	P	Y 10/28/2013
27653 35119	MENARDS MAINTENANCE SUPPLIES 101-301-741-000	10/20/2013 ksteinman OPERATING SUPPLIES	11/05/2013	14.97 14.97	0.00	P	Y 10/28/2013
27398 35120	MENARDS MAINTENANCE SUPPLIES 101-301-930-000	10/16/2013 ksteinman REPAIRS/MAINT - POLICE COMPLEX	11/05/2013	13.41 13.41	0.00	P	Y 10/28/2013
27354 35121	MENARDS MAINTENANCE SUPPLIES 592-559-742-000	10/15/2013 ksteinman SMALL TOOLS	11/05/2013	32.49 32.49	0.00	P	Y 10/28/2013

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Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
27778 35122	MENARDS MAINTENANCE SUPPLIES 592-559-933-000	10/22/2013 ksteinman	11/05/2013	82.92	0.00	P	Y 10/28/2013
	REPAIRS/MAINTENANCE - EQUIP			82.92			
27779 35129	MENARDS MAINTENANCE SUPPLIES 591-559-741-000	10/22/2013 ksteinman	11/05/2013	14.08	0.00	P	Y 10/29/2013
	OPERATING SUPPLIES			14.08			
2194 35123	MICHIGAN ASSOC OF CHIEFS OF POLICE JOB POSTING, POLICE OFFICER 101-301-900-000	10/25/2013 ksteinman	11/05/2013	50.00	0.00	P	Y 10/28/2013
	PRINTING/PUBLISHING			50.00			
336110 35181	MIDSTATE SECURITY CODE BLUE PROJECT 401-577-975-012	09/17/2013 ksteinman	11/05/2013	31,955.00	0.00	P	Y 10/30/2013
	BEACH IMPROVEMENTS			31,955.00			
05-9977 35151	MIDWEST CIVIL ENGINEERS INC CONSTRUCTION STAKING FOR KALAMAZOO 204-446-801-000-0126	10/15/2013 ksteinman	11/05/2013	608.00	0.00	P	Y 10/29/2013
	CONSTRUCTION STAKING KZOO ST PHASE 2			608.00			
05-9958 35182	MIDWEST CIVIL ENGINEERS INC CONSTRUCTION STAKING PHOENIX ST IM 250-729-974-018-0150	09/27/2013 ksteinman	11/05/2013	3,422.50	0.00	P	Y 10/30/2013
	CAPITAL PROJECTS			3,422.50			
05-9976 35188	MIDWEST CIVIL ENGINEERS INC CONSTRUCTION STAKING PHOENIX ST IM 250-729-974-018-0150	10/15/2013 ksteinman	11/05/2013	1,776.00	0.00	P	Y 10/30/2013
	CAPITAL PROJECTS			1,776.00			
7476 35111	NORTHERN CONSTRUCTION SERVICES COLDMILL EXISTING PAVEMENT BEHIND 204-446-802-000	10/10/2013 ksteinman	11/05/2013	3,400.00	0.00	P	Y 10/28/2013
	OTHER CONTRACTUAL SERVICES			3,400.00			
PAY APP #1 35189*	NORTHERN CONSTRUCTION SERVICES 2013 STREET RESURFACING 202-463-802-000 202-002-211-139 204-446-802-000	10/24/2013 ksteinman	11/05/2013	73,345.15	0.00	P	Y 10/30/2013
	OTHER CONTRACTUAL SERVICES			6,030.35			
	RETAINAGE -NORTHERN CONSTRUCTION			(603.04)			
	OTHER CONTRACTUAL SERVICES			75,460.93			

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Inv Num Inv Ref#	Vendor Description	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnalized Post Date
	GL Distribution 204-002-211-139	RETAINAGE- NORTHERN CONSTRUCTION		(7,543.09)			
591645 35156	NTH CONSULTANTS, LTD MATERIALS TESTING FOR PHOENIX ST I 250-729-974-018-0150	09/28/2013 ksteinman CAPITAL PROJECTS	11/05/2013	5,840.08  5,840.08	0.00	P	Y 10/29/2013
146279675 35065	OFFICE MAX INC SUPPLIES 101-301-727-000	10/11/2013 ksteinman OFFICE SUPPLIES	11/05/2013	90.58  90.58	0.00	P	Y 10/25/2013
257136 35067	OFFICE MAX INC SUPPLIES 101-301-741-000	09/20/2013 ksteinman OPERATING SUPPLIES	11/05/2013	32.92  32.92	0.00	P	Y 10/25/2013
242 35161	OPTIMIZATION SOLUTIONS COAGULATION FEED CONTROL 591-559-802-000	10/17/2013 ksteinman OTHER CONTRACTUAL SERVICES	11/05/2013	1,250.00  1,250.00	0.00	P	Y 10/29/2013
4597 35084	OTTAGAN PLUMBING & TESTING INC WINTERIZED BATHROOMS AND DOCK 545-776-802-000	10/17/2013 ksteinman OTHER CONTRACTUAL SERVICES	11/05/2013	302.90  302.90	0.00	P	Y 10/28/2013
4598 35085	OTTAGAN PLUMBING & TESTING INC WINTERIZED DOCK, FISH STATION, STA 594-776-802-000	10/17/2013 ksteinman OTHER CONTRACTUAL SERVICES	11/05/2013	416.80  416.80	0.00	P	Y 10/28/2013
4596 35086	OTTAGAN PLUMBING & TESTING INC WINTERIZED BATHROOMS 594-776-802-000	10/17/2013 ksteinman OTHER CONTRACTUAL SERVICES	11/05/2013	404.20  404.20	0.00	P	Y 10/28/2013
4595 35087	OTTAGAN PLUMBING & TESTING INC WINTERIZED BATH 594-776-802-000	10/17/2013 ksteinman OTHER CONTRACTUAL SERVICES	11/05/2013	176.30  176.30	0.00	P	Y 10/28/2013
66840 34945	PARKWAY ELECTRIC & POWER FOR CALL BOX ON SOUTH BEACH 101-751-975-000	10/18/2013 ksteinman BUILDINGS/ADDITIONS/IMPROVE	11/05/2013	2,510.00  2,510.00	0.00	P	Y 10/23/2013

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Inv Ref#	Description	Entered By					Post Date
246854							
34943	PLUMBER'S PORTABLE TOILETS RENTALS 545-776-802-000	10/15/2013 ksteinman	11/05/2013	132.00	0.00	P	Y 10/23/2013
		OTHER CONTRACTUAL SERVICES		132.00			
5770885							
34935	POWER LINE SUPPLY CO MAINTENANCE SUPPLIES 582-558-933-000	10/14/2013 ksteinman	11/05/2013	248.16	0.00	P	Y 10/23/2013
		REPAIRS/MAINTENANCE - EQUIPM		248.16			
5771230							
34952	POWER LINE SUPPLY CO MAINTENANCE SUPPLIES 582-558-933-000	10/15/2013 ksteinman	11/05/2013	270.61	0.00	P	Y 10/23/2013
		REPAIRS/MAINTENANCE - EQUIPM		270.61			
5773164							
35060	POWER LINE SUPPLY CO MAINTENANCE SUPPLIES 582-558-933-000	10/22/2013 ksteinman	11/05/2013	508.50	0.00	P	Y 10/25/2013
		REPAIRS/MAINTENANCE - EQUIPM		508.50			
5773050							
35061	POWER LINE SUPPLY CO MAINTENANCE SUPPLIES 582-558-933-000	10/22/2013 ksteinman	11/05/2013	583.40	0.00	P	Y 10/25/2013
		REPAIRS/MAINTENANCE - EQUIPM		583.40			
5773049							
35064	POWER LINE SUPPLY CO MAINTENANCE SUPPLIES 582-558-933-000	10/22/2013 ksteinman	11/05/2013	417.49	0.00	P	Y 10/25/2013
		REPAIRS/MAINTENANCE - EQUIPM		417.49			
5773775							
35076	POWER LINE SUPPLY CO MAINTENANCE SUPPLIES 582-558-933-000	10/23/2013 ksteinman	11/05/2013	1,311.00	0.00	P	Y 10/28/2013
		REPAIRS/MAINTENANCE - EQUIPM		1,311.00			
5773774							
35077	POWER LINE SUPPLY CO MAINTENANCE SUPPLIES 582-558-802-000	10/23/2013 ksteinman	11/05/2013	1,671.00	0.00	P	Y 10/28/2013
		OTHER CONTRACTUAL SERVICES		1,671.00			
5773233							
35078	POWER LINE SUPPLY CO PER HOLOPHASE QUOTE # 2006-13-1015 582-558-988-000 582-558-988-000 582-558-988-000	10/22/2013 ksteinman	11/05/2013	2,693.03	0.00	P	Y 10/28/2013
		HALLBROOK EXT 4000 LED		1,501.67			
		HALLBROOK EXT METAL HALIDE		1,110.36			
		FREIGHT		81.00			

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5773051 35079	POWER LINE SUPPLY CO MAINTENANCE SUPPLIES 582-558-933-000	10/22/2013 ksteinman	11/05/2013	1,551.00	0.00	P	Y 10/28/2013
	REPAIRS/MAINTENANCE - EQUIPM			1,551.00			
5774678 35180	POWER LINE SUPPLY CO MAINTENANCE SUPPLIES 582-558-933-000	10/28/2013 ksteinman	11/05/2013	1,027.91	0.00	P	Y 10/30/2013
	REPAIRS/MAINTENANCE - EQUIPM			1,027.91			
171067 35172	PUBLIC AGENCY TRAINING COUNCIL DETECTIVE & NEW CRIMINAL INVESTIGA 101-301-860-000	10/22/2013 ksteinman	11/05/2013	425.00	0.00	P	Y 10/30/2013
	TRAVEL/CONFERENCES/TRAINING			425.00			
1803 35055	QUINN ELECTRICAL CONTRACTORS SERVICE CALL 661-450-802-000 661-450-975-000	10/16/2013 ksteinman	11/05/2013	114.65	0.00	P	Y 10/25/2013
	OTHER CONTRACTUAL SERVICES			75.00			
	BUILDINGS/ADDITIONS IMPROVE			39.65			
490-012166 35094	RIDGE AND KRAMER AUTO PARTS MAINTENANCE SUPPLIES 661-450-742-000	10/18/2013 ksteinman	11/05/2013	229.99	0.00	P	Y 10/28/2013
	SMALL TOOLS			229.99			
490-012117 35095	RIDGE AND KRAMER AUTO PARTS MAINTENANCE SUPPLIES 661-450-741-003	10/16/2013 ksteinman	11/05/2013	46.40	0.00	P	Y 10/28/2013
	REPAIR & MAINT SUPPLIES			46.40			
30111 35093	SAWYER ENGINE & COMPRESSOR SERVICE CALL AND REPAIR 661-450-933-000	10/17/2013 ksteinman	11/05/2013	482.32	0.00	P	Y 10/28/2013
	REPAIRS/MAINTENANCE - EQUIP			482.32			
10/20/13 35081	SKIDMORE'S ALLEY NORTH OF PHOENIX 204-446-802-000	10/20/2013 ksteinman	11/05/2013	7,274.50	0.00	P	Y 10/28/2013
	OTHER CONTRACTUAL SERVICES			7,274.50			
8003 34954	SMITH'S CONCRETE CUTTING SAW AND PLUNGE CUT 591-558-802-000 592-558-802-000	10/17/2013 ksteinman	11/05/2013	396.30	0.00	P	Y 10/23/2013
	OTHER CONTRACTUAL SERVICES			198.15			
	OTHER CONTRACTUAL SERVICES			198.15			

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8004 35092	SMITH'S CONCRETE CUTTING SAW CUT 591-558-802-000 592-558-802-000	10/17/2013 ksteinman	11/05/2013	968.60 484.30 484.30	0.00	P	Y 10/28/2013
45074 35162	SOIL & MATERIALS ENGINEERS INC MATERIALS TESTING SERVICES KALAMAZ 204-446-802-000-0126	09/25/2013 ksteinman	11/05/2013	1,778.13 1,778.13	0.00	P	Y 10/29/2013
40727 35098	SOUTH HAVEN SMALL ENGINES REPLACE GAS CAP 101-751-741-000 101-751-933-000	10/15/2013 ksteinman	11/05/2013	71.49 6.49 65.00	0.00	P	Y 10/28/2013
9532 35054	SPENCER MANUFACTURING, INC STROBE TUBE/VERTEX AMBER WARNINGS 661-450-741-003	10/09/2013 ksteinman	11/05/2013	193.00 193.00	0.00	P	Y 10/25/2013
7107610357-000001 34950	STAPLES ADVANTAGE SUPPLIES 101-371-727-000	10/21/2013 ksteinman	11/05/2013	60.16 60.16	0.00	P	Y 10/23/2013
7107677008-000003 35059	STAPLES ADVANTAGE SUPPLIES 101-191-727-000 101-202-727-000	10/22/2013 ksteinman	11/05/2013	16.96 9.98 6.98	0.00	P	Y 10/25/2013
7107494639-00001 35069	STAPLES ADVANTAGE SUPPLIES 591-558-727-000 592-558-727-000 101-446-727-000 101-447-727-000 582-558-727-000 591-558-741-000 592-558-741-000 101-446-741-000 101-447-741-000	10/17/2013 ksteinman	11/05/2013	54.33 8.17 8.17 8.18 8.17 8.17 2.70 2.70 2.69 2.69	0.00	P	Y 10/25/2013

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Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnlized
Inv Ref#	Description	Entered By					Post Date
	GL Distribution 582-558-741-000	OPERATING SUPPLIES		2.69			
20-114829							
35149	SYNAGRO CENTRAL, LLC WASTE HAULING 592-559-802-000	10/04/2013 ksteinman OTHER CONTRACTUAL SERVICES	11/05/2013	18,012.11  18,012.11	0.00	P	Y 10/29/2013
108211							
35136	STANDARD PRINTING & PACKAGING RANGE TARGET 101-301-741-000	10/15/2013 ksteinman OPERATING SUPPLIES	11/05/2013	34.25  34.25	0.00	P	Y 10/29/2013
328797288							
35072	TERMINIX PROCESSING CENTER EXTERMINATING SERVICE 101-301-802-000	10/21/2013 ksteinman OTHER CONTRACTUAL SERVICES	11/05/2013	41.00  41.00	0.00	P	Y 10/28/2013
8699							
35148	TERRA CONTRACTING LLC TV UNIT WITH OPERATOR 592-558-802-000	10/23/2013 ksteinman OTHER CONTRACTUAL SERVICES	11/05/2013	877.50  877.50	0.00	P	Y 10/29/2013
237865							
35131	TOTAL ENERGY SYSTEMS LLC PLANNED MAINTENANCE INSPECTION 591-559-802-000	10/15/2013 ksteinman OTHER CONTRACTUAL SERVICES	11/05/2013	571.00  571.00	0.00	P	Y 10/29/2013
182037							
35051	TRACTOR SUPPLY CREDIT PLAN SUPPLIES ACCT#6035 3012 0321 140 101-446-741-000	10/23/2013 ksteinman OPERATING SUPPLIES	11/05/2013	139.99  139.99	0.00	P	Y 10/25/2013
182195							
35127	TRACTOR SUPPLY CREDIT PLAN SUPPLIES ACCT#6035 3012 0321 140 101-446-729-001	10/24/2013 ksteinman OTHER CLOTHING & SUPPLIES	11/05/2013	209.98  209.98	0.00	P	Y 10/28/2013
0572							
35147	TREECORE SEPT & OCTOBER TREE WORK 582-558-802-000 101-446-802-000 101-276-802-000 101-751-802-000	10/25/2013 ksteinman OTHER CONTRACTUAL SERVICES OTHER CONTRACTUAL SERVICES OTHER CONTRACTUAL SERVICES OTHER CONTRACTUAL SERVICES	11/05/2013	28,960.00  9,215.00 14,336.00 4,549.00 860.00	0.00	P	Y 10/29/2013

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Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
IN20357							
34923	U S BUSINESS SYSTEMS INC CONTRACT COVERAGE 7/1/13-9/30/13 101-301-802-000	10/24/2013 ksteinman	11/05/2013	99.14	0.00	P	Y 10/23/2013
		OTHER CONTRACTUAL SERVICES		99.14			
0768707							
34939	UPLINK SECURITY LLC MONTHLY SERVICE FEES 101-301-802-000	10/01/2013 ksteinman	11/05/2013	12.90	0.00	P	Y 10/23/2013
		OTHER CONTRACTUAL SERVICES		12.90			
169951							
35074	USA BLUE BOOK LAB SUPPLIES 592-559-741-000	10/07/2013 ksteinman	11/05/2013	716.63	0.00	P	Y 10/28/2013
		OPERATING SUPPLIES		716.63			
171290							
35083	USA BLUE BOOK LAB SUPPLIES 592-559-741-000	10/08/2013 ksteinman	11/05/2013	55.15	0.00	P	Y 10/28/2013
		OPERATING SUPPLIES		55.15			
174872							
35088	USA BLUE BOOK LAB SUPPLIES 592-559-741-000	10/11/2013 ksteinman	11/05/2013	172.28	0.00	P	Y 10/28/2013
		OPERATING SUPPLIES		172.28			
176504							
35089	USA BLUE BOOK LAB SUPPLIES 592-559-741-000	10/15/2013 ksteinman	11/05/2013	57.60	0.00	P	Y 10/28/2013
		OPERATING SUPPLIES		57.60			
176912							
35130	USA BLUE BOOK LAB SUPPLIES 591-559-741-000	10/15/2013 ksteinman	11/05/2013	152.93	0.00	P	Y 10/29/2013
		OPERATING SUPPLIES		152.93			
390269							
35096	RON WASHEGESIC CAMERA DRAIN ALLEY BEHIND BANK 592-558-802-000	10/11/2013 ksteinman	11/05/2013	120.00	0.00	P	Y 10/28/2013
		OTHER CONTRACTUAL SERVICES		120.00			
390270							
35097	RON WASHEGESIC ROD SEWER 426 PARK 592-558-802-000	10/21/2013 ksteinman	11/05/2013	240.00	0.00	P	Y 10/28/2013
		OTHER CONTRACTUAL SERVICES		240.00			

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Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnalized Post Date
C135771 35124	WOODHAMS, INC , DON REPAIRS/MAINTENANCE 661-450-935-000	07/24/2013 ksteinman REPAIRS/MAINTENANCE - VEHICLES	11/05/2013	550.50 550.50	0.00	P	Y 10/28/2013
C136171 35125	WOODHAMS, INC , DON INSTALL POWER WINDOWS 661-450-935-000	08/09/2013 ksteinman REPAIRS/MAINTENANCE - VEHICLES	11/05/2013	677.95 677.95	0.00	P	Y 10/28/2013
C135447 35126	WOODHAMS, INC , DON TRANSMISSION RANGE SENSOR 661-450-935-000	07/10/2013 ksteinman REPAIRS/MAINTENANCE - VEHICLES	11/05/2013	349.58 349.58	0.00	P	Y 10/28/2013
13-112 35157	CONSTRUCTION VIDEO MEDIA INC PHASE 2 VIDEO SERVICES (PHOENIX ST 250-729-974-018-0150 250-729-974-018-0150	10/18/2013 ksteinman MOBILIZATION BUILDINGS (BLOCKS)	11/05/2013	4,745.00 1,285.00 3,460.00	0.00	P	Y 10/29/2013
0714234 34931	KIESLER'S POLICE SUPPLY INC SUPPLIES 101-301-741-001	10/03/2013 ksteinman JAIL OPERATION	11/05/2013	2,296.00 2,296.00	0.00	P	Y 10/23/2013
S0007086 35071	EMERGENCY VEHICLE PRODUCTS F161733 INSTALLATION OF EMERGENCY EQUIPMEN 101-301-741-000	10/16/2013 ksteinman OPERATING SUPPLIES	11/05/2013	2,882.39 2,882.39	0.00	P	Y 10/28/2013
10/7/13 34941	SOUTH HAVEN HEALTH SYSTEM BLOOD DRAW 101-301-802-001	10/07/2013 ksteinman SERVICE CONTRACTS	11/05/2013	12.00 12.00	0.00	P	Y 10/23/2013
86047TC 34940	CANNEY'S WATER TREATMENT BOTTLE WATER/SERVICE FEE 101-301-802-000	10/08/2013 ksteinman OTHER CONTRACTUAL SERVICES	11/05/2013	31.99 31.99	0.00	P	Y 10/23/2013
861015 34928	B & R MOBILE HOMES INC LEASE 401-301-980-000-0145	09/23/2013 ksteinman POLICE/FIRE COMPLEX	11/05/2013	1,793.94 1,793.94	0.00	P	Y 10/23/2013

10/30/2013 12:38 PM  
 User: ksteinman  
 DB: South Haven

INVOICE REGISTER REPORT FOR CITY OF SOUTH HAVEN  
 INVOICE DUE DATES 11/05/2013 - 11/05/2013  
 JOURNALIZED OPEN AND PAID  
 BANK CODE: 1 - CHECK TYPE: PAPER CHECK

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
835782							
35146	MICHIGAN DEPT OF ENVIRO QUALITY SAMPLES 591-559-802-000	09/30/2013 ksteinman	11/05/2013	750.00	0.00	P	Y 10/29/2013
		OTHER CONTRACTUAL SERVICES		750.00			
589261							
34930	ELWOOD STAFFING STAFFING 101-751-802-000	10/16/2013 ksteinman	11/05/2013	1,073.00	0.00	P	Y 10/23/2013
		OTHER CONTRACTUAL SERVICES		1,073.00			
591548							
35140	ELWOOD STAFFING STAFFING 101-751-802-000	10/23/2013 ksteinman	11/05/2013	1,065.60	0.00	P	Y 10/29/2013
		OTHER CONTRACTUAL SERVICES		1,065.60			
# of Invoices:	168	# Due:	0	Totals:	529,728.63	0.00	
# of Credit Memos:	2	# Due:	0	Totals:	(59.32)	0.00	
Net of Invoices and Credit Memos:					529,669.31	0.00	
* 2 Net Invoices have Credits Totalling:					(31,214.48)		

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnlized
Inv Ref#	Description	Entered By					Post Date
	GL Distribution						
--- TOTALS BY FUND ---							
	101 - GENERAL FUND			58,373.20	0.00		
	202 - MAJOR STREET FUND			6,623.49	0.00		
	203 - LOCAL STREET FUND			398.73	0.00		
	204 - STREET FUND			72,535.77	0.00		
	250 - DOWNTOWN DVLP AUTHORITY			33,663.62	0.00		
	401 - CAPITAL PROJECTS FUND 1			33,748.94	0.00		
	402 - CAPITAL PROJECTS FUND 2			3,351.96	0.00		
	466 - PAVILION AND ICE RINK CAPIT			2,293.10	0.00		
	545 - BLACK RIVER PARK FUND			434.90	0.00		
	577 - BEACH FUND			1,244.39	0.00		
	582 - ELECTRIC FUND			28,037.05	0.00		
	591 - WATER FUND			124,537.05	0.00		
	592 - SEWER FUND			134,655.77	0.00		
	594 - MARINA FUND			997.30	0.00		
	636 - INFORMATION SERVICES FUND			9,970.33	0.00		
	661 - MOTOR POOL FUND			18,803.71	0.00		
--- TOTALS BY DEPT/ACTIVITY ---							
	002 - LIABILITIES			(31,214.48)	0.00		
	191 - ELECTIONS			9.98	0.00		
	202 - CITY TREASURER			5,793.94	0.00		
	258 - DATA PROCESSING			9,970.33	0.00		
	265 - BUILDINGS & GROUNDS			1,315.78	0.00		
	276 - CEMETERY DEPARTMENT			4,987.99	0.00		
	294 - CATV BROADCASTING			150.00	0.00		
	301 - POLICE			8,884.29	0.00		
	371 - BUILDING INSPECTIONS			6,060.16	0.00		
	446 - HIGHWAYS & STREETS			130,764.53	0.00		
	447 - ENGINEERING			1,607.06	0.00		
	450 - EQUIPMENT MAINTENANCE			18,803.71	0.00		
	463 - ROUTINE MAINTENANCE			6,030.35	0.00		
	558 - OPERATIONS			255,063.34	0.00		
	559 - TREATMENT			22,947.44	0.00		
	562 - LIFTSTATIONS- CASCO TOWNSHI			131.83	0.00		
	565 - OPERATIONS - COVERT			2,240.00	0.00		
	569 - LIFSTATIONS - SOUTH HAVEN T			4,798.51	0.00		
	570 - LIFTSTATIONS - CITY			2,048.75	0.00		
	577 - BEACH			31,955.00	0.00		
	729 - DOWNTOWN DEVELOPMENT			31,834.11	0.00		
	751 - PARK DEPARTMENT			14,054.49	0.00		
	776 - OPERATIONS			1,432.20	0.00		



# 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

### MEMORANDUM

To: Brian Dissette, City Manager  
From: Roger Huff, PE, DPW Director  
RE: Project #102 PR-C Circuit / 2nd Avenue Rebuild  
Date: October 29, 2013

### Background Information:

At the July 29, 2013 Regular Meeting of the Board of Public Utilities, GRP Engineering, Inc. presented the Electric Distribution System Study & Five-Year Plan. This study reviewed the City of South Haven's substations and distribution system and provided recommendations for electrical system projects to significantly improve system reliability. The Board directed GRP Engineering to provide proposals for engineering services for four recommended projects. Project #102 PR-C Circuit 2nd Avenue is one of those projects.

Project scope is to construct a new circuit (PR-C) on 2nd Avenue/Wells Street from Phoenix Road Substation to Blue Star Highway with #336.4 ACSR conductor (0.7 miles double circuit) on the existing pole line. Additionally, the project will include shifting all circuit MS-F load on North Shore Drive to this new circuit PR-C. Project includes replacement of all poles between the substation and I-196, and utilizing existing poles west of the highway.

On October 17, 2013, bids for labor and non-City supplied materials were opened for Project #102. A copy of Bid Tabulation #2013-11 prepared by GRP Engineering, Inc. is attached. A total of seven qualified firms were invited to bid and four firms submitted bids. The low bidder is SKF Contracting of Williamsburg, Michigan. GRP Engineering has reviewed the bids and recommends that the project be awarded to SKF Contracting in the amount of \$59,839.60. SKF Electrical Contracting has a history of successfully completing similar projects for South Haven and other municipal clients. Concerning the range of bid prices, GRP notes that SKF has performed the last couple of overhead projects in the City and they know our system. They have worked this area (pole line) in the past and are confident on pole access. Also, two of the bidders are very busy at this time which is probably reflected in their price.

Funds are included in the Fiscal Year 2013-14 Adopted Budget for electrical system improvements.

On October 28, 2013, the Board of Public Utilities reviewed and provided unanimous approval of a recommendation to City Council to award contractual services for Electric Distribution System Improvement Project #102 to SKF Contracting of Williamsburg, Michigan in the amount of \$59,839.60.

**Memorandum**

October 29, 2013

Consulting Contracts with GRP for the 2013-14 Electrical Projects

Page 2 of 2

**Recommendation:**

Award Bid Number 2013-11, Electric Distribution System Improvement Project #102 to SKF Contracting of Williamsburg, Michigan in the amount of \$59,839.60. Labor and materials to be provided are defined in the contract documents prepared by GRP Engineering.

**Support Material:**

Bid Tabulation #2013-11  
GRP Engineering Recommendation Letter

# BID TABULATION #2013-11

**OWNER:**  
**CITY OF SOUTH HAVEN**  
**1199 8TH AVENUE**  
**SOUTH HAVEN, MI 49090**

**#102 PR-C CIRCUIT / 2ND AVE REBUILD**

**ENGINEER:**  
**GRP ENGINEERING, INC.**  
**459 BAY STREET**  
**PETOSKEY, MI 49770**

BIDDERS	BID BOND	#102 PR-C CIRCUIT CONTRACTOR BASE BID	REMARKS
<b>CC Power</b> 3850 Beebe Road Kalkaska, MI 49646	10%	\$94,979.00	
<b>SKF Electrical Contracting</b> 10495 Deal Rd Williamsburg, MI 49690	10%	\$59,839.60	
<b>Kent Power</b> 90 Spring St Kent City, MI 49330	10%	\$79,318.16	
<b>The Hydaker-Wheatlake Company</b> 420 N. Roth Street Reed City, MI 49677	10%	\$143,808.82	
<b>NG Gilbet</b> 101 S. Main St Parker City, IN 47368			No Bid
<b>Newkirk Electric, Inc.</b> 1875 Roberts Street Muskegon, MI 49442			No Bid
<b>Henkels &amp; McCoy</b> 985 Jolly Rd Blue Bell, PA 19422			No Bid

This is to certify that at 10:00a.m., local time on Thursday, October 17, 2013, the bids tabulated herein were publicly opened and read.

**GRP Engineering, Inc.**



\_\_\_\_\_  
 Robert A Shelley, P.E.

October 18, 2013  
13-0619.01

Mr. Roger Huff  
City of South Haven  
1199 8<sup>th</sup> Ave.  
South Haven, MI 49090

**RE: #102 PR-C Circuit  
Bid Recommendation**

Dear Roger:

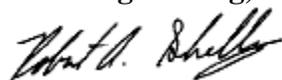
GRP Engineering, Inc. has completed reviewing the bids submitted on October 17, 2013 for the #102 PR-C Circuit project. Four of the seven contractors solicited for bids replied to the bid request. SKF Electrical Contracting submitted the low bid for the project in the total amount of \$59,839.60.

SKF Electrical Contracting has a history of successfully completing similar projects for South Haven and other municipal clients. Therefore GRP Engineering, Inc. sees no reason not to accept SKF's bid for the above mentioned project.

SKF took no exception to the bid documents. A complete bid tabulation is attached to this letter.

Please contact me at 616.942.7183 should you have any questions regarding this evaluation.

Sincerely,  
**GRP Engineering, Inc.**



Robert A. Shelley, P.E.  
Electrical Engineer

# Zoning Board of Appeals

## Regular Meeting Minutes

Monday, August 26, 2013  
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: Boyd, Bugge, Miller, Paull, Wheeler, Wittkop, Lewis  
Absent: None

### 3. Approval of Agenda

Motion by Paull, second by Bugge to approve the agenda as presented.

All in favor. Motion carried.

### 4. Approval of Minutes – June 24, 2013

Motion by Bugge, second by Wittkop to approve the June 24, 2013 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.

### **OLD BUSINESS – PUBLIC HEARING**

### 6. Kal-Haven Variance Request from Zoning Ordinance Section 1716-2, **Nonresidential Access.**

Lewis clarified that the applicant is Kal-Haven Bikes, Inc. and requested the background from Anderson, Planning and Zoning Administrator.

Anderson noted that Mr. Nixon of Kal-Haven Bikes came to the city a year ago in October seeking a variance from the portion of the Zoning Ordinance that does not permit non-residential access through a residential property, that is, commercial access through a residential property. At that time, his request was denied by the Zoning Board of Appeals. He has since then gone to court and the judge has ruled that the case should come back to

the Board of Appeals for further clarification. That brought us to tonight. We decided to go through the entire process over again; notifying the neighbors, putting an ad in the papers and treating it as a new application because there are so many new members on the Zoning Board of Appeals. Rather than have everyone try to fit into what was done last time, it was determined it would be better to start over with the discussion. So tonight we will be hearing that variance request and treating it as new.

Lewis called for a motion to open the public hearing.

Motion by Wittkop to open the public hearing on Item 6. Second by Miller.

All in favor. Motion carried.

Lewis asked if the applicant wished to speak.

Steve McKown, Allegan, identified himself as Kal-Haven Bike's attorney. Noted that he and the applicant did appear here in October and last year for essentially the same request in front of the Zoning Board of Appeals, regarding the nature of the private easement that provides access to this property. McKown made the assumption that the members of the Zoning Board had access to the nine (9) exhibits provided last time and was responded to in the affirmative by Lewis and Anderson.

McKown noted that those exhibits demonstrate that David Nixon, his wife Jennifer at that time, and another corporation they set up bought the property on land contract in 1987. The only access to the property at that time was by way of a private easement described in the land contract which is the same easement that we are dealing with today except that at that time it was described as being a rod wider, or 16.5 feet.

McKown reiterated that David Nixon, his then wife and their corporation purchased the property in 1987 ~~to~~ for \$100,000; "It is the property shown in yellow on your map up there," (as he points to an exhibit displayed on a screen in council chambers), "You can see Blue Star Highway and the Black River Road that comes in at the top of the picture, just to the right of the Black River. That road curves around and comes into the property owned by the applicant."

McKown noted that it was in 1994 that the deed was given in fulfillment of the land contract by the applicant. It was in 1998, after the property had been transferred, that the City adopted Section 1716.2 which restricted non-residential access through residential property. So at the time the property was purchased; at the time the deed was delivered, this Section (of the Zoning Ordinance) that we are talking about was not in effect and was not a part of the ordinance. "And there was no restriction under the ordinance regarding access to the property," McKown summed up, and noted that that property has been, since at least 1998, in the B-3 commercial zoning district. McKown indicated the map exhibit again and noted that the property to the north, where the easement is located, is in a residential zoning district, so the applicant does not disagree with the statement that the easement crosses residential property. "It certainly does, ever since 1998."

McKown pointed out that in 2005 there was another transfer from the corporation that initially took title to the present corporation, Kal-Haven Bikes, which Mr. Nixon has been a shareholder, officer, and director of corporations since the beginning of 1987. McKown

noted that there has been a continuity of ownership going back to 1987 and this issue of Section 1716.2 came about initially when a request for a land division was made and it was denied by the city. McKown explained that Mr. Nixon's corporation had submitted a request to split a part of the property off and the response of the city was that there was not a road that provided access to the property. McKown noted that last year in July he and Nixon came before the Zoning Board of Appeals and the board made the decision, interpreting the ordinance based on the evidence produced at that hearing, that the easement is a private road under the city's ordinance.

Pointing to the map, McKown noted that the easement is a private road that has several residential properties that use it to gain access to Blue Star Highway. McKown pointed out that the private road is partly located in the township and partly located in the city.

McKown explained that the applicant requested a variance to the zoning ordinance last year in October, because under the zoning ordinance, as adopted, there was no use that could be made of this property. The property is located in a commercial zoning district, the B-3 waterfront zoning district and the ordinance provides the uses that can be undertaken in this district, according to McKown. McKown read directly from Ordinance Section 901 enumerating the permitted uses in the B-3 Waterfront Business district, noting that none of those permitted uses are only residential; in all cases a residential use must be connected or tied in with a commercial use.

McKown noted that the property is currently zoned commercial, but according to the city's ordinance there is no way to use the property for commercial uses. McKown pointed out that the property is bordered on the south and east by the Kal-Haven Trail, which is state of Michigan property and there is no motor vehicle ingress and egress past that in that location and noted that the state has the capability of granting access but has not in this particular case. McKown also noted that the Kal-Haven Trail intersects Black River Road where it is part of the road right-of-way, but the Kal-Haven Trail is not part of any road right-of-way adjacent to Nixon's property. McKown noted that the applicant's property, on the west, is bordered by the Black River and on the north is bordered by residentially zoned property where the easement is located.

McKown noted that the easement, not only for the applicant's property, but for the other property owners that use that easement, initially was a narrower easement but was expanded by court action and those two judgments are part of the record in the applicant's case. Kal-Haven Bikes brought an action, just as some of the other property owners did, who have homes that are located on the Black River Road, to have the court determine the location of the easement, the width of the easement. "It is a twenty-four (24) foot wide easement," McKown stated, noting that does not mean twenty-four (24) feet of it is being used, but the legal easement is twenty-four (24) feet wide. McKown also pointed out that the easement is for ingress and egress, vehicular as well as pedestrian, and also for utilities.

The difficulty for the applicant, McKown pointed out, is that there is no way to access the property for a commercial use, or for a customer to access any business unless by walking across the Kal-Haven Trail. McKown is not sure whether a customer could even reach the applicant's property for a commercial use, because the zoning ordinance does not say "vehicular access", it says, "access," which could include walking, biking, everything including motor vehicles. McKown also explained that he is not sure that a commercial use could even be established on the property, because if a cement truck, which would be

considered a commercial vehicle, would not be able to use the easement since that would be a commercial use, not only can the property not be used for a commercial use, a commercial use cannot even be built on the property the way the ordinance is drafted. "There is no way to get heavy equipment in there except by truck and the only way to get there is on that private easement. You cannot get cement in there, you cannot get roof joists in there, drywall, all the things it would take even to build a residential use, has to come over that easement," McKown stated. McKown summarized that the applicant is left with a situation where the city is saying, "It is zoned commercial but you cannot use it."

McKown distributed copies of two pieces of information he did not have last time he came before the board. These are taken off public websites, one of which is the Van Buren County website, which has the property tax information, according to McKown, who pointed out that in 2012, summer taxes were assessed in the amount of \$5,542.00 and for the winter taxes, \$1,070.27. The reason for providing this information is that this record goes back to 2009, showing the applicant's property being assessed several thousands of dollars' worth of taxes for property he cannot even use for the purpose it is zoned for. The applicant cannot use it for residential, either, because he cannot put residential uses by themselves in that zone. The second document provided by McKown is general property information provided by the City of South Haven, which indicates the 2013 tax information showing a slight increase in taxable value for a property which the applicant cannot access or use.

McKown then addressed some issues that came up before regarding the condition of the road. "We would submit that your city attorney was correct at the last meeting when he said the condition of the road is not really the subject of this hearing," McKown noted. McKown then pointed out that if Kal-Haven Bikes or someone the applicant might sell the property to, should decide to pursue a commercial use on that property; it would require a site plan. The city ordinance requires a site plan that includes access to the property, according to McKown, and that issue is one that has to be addressed depending on what goes in there. The applicant cannot tell you what use might be made of the property because no use can be considered the way the ordinance currently reads, because of Section 1716.2. There is not a way to assess any disruption on neighboring properties, because there is not a use that can be made of the property now, so which of the fifteen or twenty uses that might be permitted on the property could be made of it. McKown stated that if someone had a use, they could bring the issue of access up, but we cannot even get to that point without knowing we can access the property. McKown's point in bringing up the condition of the road, he explained, is that this is not the end of the issue. The Zoning Ordinance, the building inspector, the Department of Environmental Quality (DEQ); all of those kinds of things are involved when it comes to construction on the property and a use being made on the property. "We are just concerned with getting access to the property," McKown pointed out.

McKown said they argued that point before the court and the court agreed that there was not enough information provided about why the board decided not to grant the variance. That is why the request was sent back, McKown noted, "Not because the court made a decision on the merits, the judge just could not tell why you did what you did." McKown volunteered that he is available, as well as Mr. Nixon, tonight, if the board has specific questions you do not think were addressed last time, or in the record on appeal. We can certainly address those.

Bugge requested that Attorney McKown clarify something he mentioned about a date and rezoning. McKown said he is not sure exactly when the property was zoned commercial, but he knows the property was zoned commercial in 1998 and the Section 1716.2 was adopted after Mr. Nixon and his company owned the property. "Before that time there was no restriction on access," McKown remarked.

Boyd asked whether the property was wetlands when the applicant purchased it. McKown requested clarification and Boyd said, "His property," and indicated the applicant, Mr. Nixon. McKown attempted to clarify why he asked the question and was interrupted by Boyd who stated, "I asked a simple question, sir, yes or no." McKown asked if he was not going to be allowed to explain. Boyd repeated that he did not ask for an explanation just a simple yes or no. McKown said there were wetlands then and there have probably been wetlands on it for decades, and pointed out that whether or not there were or are wetlands on the property is completely irrelevant to the hearing tonight, which addresses the question, "Can you get to the property for any use?"

This statement was followed by discussion by the board regarding the request for a land division, which McKown pointed out was depicted by the yellow portion of the map previously referred to. Miller asked whether the portion of the property on which the recreational vehicles park and the rest of the property are one property. McKown clarified that they are two separate properties and are taxed separately, pointing out that there are two parcels and the lines can be seen up there (on the screen) below the Kal-Haven Trail.

Lewis asked for clarification of whether Mr. Nixon owns the property directly across the trail; McKown confirmed that, "Yes, the corporation does." Lewis suggested that pedestrian traffic could cross the Kal-Haven Trail from one property to the other, and McKown agreed that he did not think the state would object to that. Wittkop noted that "they do currently." McKown said there was an easement requested at one time, and noted "I've seen the one that Mr. Nixon signed, but not the one that the state signed."

Lewis asked if the attorney had stated that because of the private road issue, there was no way to get building materials to the site, to which McKown agreed that would be correct without the state's approval. Lewis begged to differ, and said there is another form of transportation available, not the most convenient, but it is available. McKown queried whether Lewis was referring to the river, then noted that the last point he would like to make is the standard for this type of variance is whether there is a practical difficulty in meeting the requirements of the ordinance. McKown noted that here the board suggests that customers should be required to walk to get to a business, to which Miller stated, "They already do, they currently do, they have camping down in that section, so how do they get there, fly? They walked." McKown asked if Miller means there is camping on this property. Lewis reminded the audience not to speak until recognized. McKown indicated that he does not believe that Miller's statement is factually correct. Miller responded to McKown's question regarding camping, "I do. I live across the way." Bugge attempted to clarify where the confusion was coming from, noting that there is a dirt road that comes off of Blue Star which goes to the northern part of the southern parcel, and in visiting the site she observed fire pits and picnic tables, and wondered if that was what Miller is referring to. Miller indicated that is part of it, yes. Bugge reiterated that is on the southern parcel, not the northern parcel and it is accessed from Blue Star Highway. McKown noted the essence of "practical difficulty" is not "is it impossible?" but "is it unnecessarily difficult?" McKown believes the applicant meets

the unnecessarily difficult provision for a use variance, in essence saying that the only way customers could get to a commercial place would be to walk there.

Miller interrupted by asking, "What are the nine criteria we, I mean you, are required to meet?" McKown retrieved some documents from the table next to him and Miller stated he was asking the city where the nine criteria are, at which point Anderson interjected that the criteria are in the packet she provided to the board. As she began to explain, Miller interrupted, saying, "The first one, please." Anderson reviewed how a public hearing is structured and conducted; explaining that the applicant is not restricted in the amount of time allowed for presenting their request, but the public comment is limited to three (3) minutes per person.

Bugge asked if she could ask a couple of question and McKown said, "Sure." Bugge asked if the thirty-three (33) foot ingress/egress, based on McKown's comments, was never recorded although it is shown on the drawing. McKown agreed that is not a recorded easement.

Bugge also noted that in visiting the site, she noticed a little bridge, and wondered if that is to access another portion of the southern property. McKown noted there is a bridge across a creek in there, "Is that what you are referring to?" Bugge said yes, and referenced a second little bridge which seemed to be part of a footpath and wondered if that was also part of the twenty-four (24) foot easement. McKown clarified that the bridge is past the turnaround area, and Bugge agreed, to which McKown stated that bridge is not a part of the easement. McKown added that the easement ends at the north line of the property, that back in 1992, when the property owner got a permit from the state to put a marina in, the plan was to put a cul-de-sac or turnaround on the north end of the property in question. Bugge noted that on the survey there is an indication of an easement going from the turnaround to which McKown noted that is a potential easement if the property was going to be split. Bugge said the board does not have a survey of that; McKown said to look at the legal description in the judgment and the deeds which indicate that the easement goes to the property line not through the property.

McKown noted that when he was here in October he did review all nine of those factors and is happy to do so again.

***1. Such variance will not be detrimental to adjacent property and the surrounding neighborhood.***

McKown noted that as before, the applicant does not believe the variance will have a detrimental impact on the adjacent properties. One of the difficulties is if you do not have any ability to use the property for a particular purpose, it is hard to show what that use would do in terms of how much traffic would be generated, how many customers would go in there.

Lewis stated, "Because we do not know that we have to assume worst case."

McKown remarked that is not correct legally, but understands Lewis' point. McKown suggests the correct answer is the one the city's attorney, Ken Lane, gave at the last hearing. Reading from the minutes of the October 22, 2012 meeting, McKown quoted, "Lane said without knowing what the private road, stated to be for pedestrian and vehicular access, will be used for, it is hard to say whether or not the easement traffic will be an

issue.” McKown said he thinks that is exactly right and explained that without knowing the use, it is impossible to determine what impact there would be, citing the differences between a residential use and a commercial use on the subject property. McKown pointed out that the word “detrimental” in the ordinance does not mean “change”; it means “harm.” McKown stated that the applicant understands that if that piece of property is going to be given a use, the road will need to be improved, and he or a developer will bear the brunt of improving that road to accommodate what is needed for that purpose and noted it could be of benefit to the property owners, by having a road that is in better condition than the one that is there now.

McKown also pointed out that under our laws, a government entity cannot take a person’s property and use the analogy of a zoning variance application to decide whether the city is going to tax the property as if it is usable but not let you use it. McKown noted that the subtext here is that the government does not have the right to take peoples’ property without paying for it.

***2. Such variance will not impair the intent and purpose of this Ordinance.***

McKown stated that we assume that the intent and purpose of the Zoning Ordinance is what it states in its introduction, “the orderly use of land.” The orderly use of land does not zone a property commercial and then say you cannot get to it, McKown noted.

***3. Exceptional or extraordinary circumstances or conditions apply to the property in questions or the intended use of the property that do not apply generally to other properties in the same zoning district. . . .***

McKown noted that this is the “practical difficulty” standard of the zoning ordinance which speaks to unique circumstances or physical conditions, and pointed out that as he mentioned in the application, in 1987 this was not an issue when the property was purchased. In 1994, when the deed was given for that property, it was not an issue because this rule was not in the ordinance at that time. McKown pointed out that this is an after-the-fact rule that changed the property rights of an existing property owner and, in fact, literal enforcement of this ordinance will deprive the applicant of meaningful use of the property.

***4. Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.***

McKown pointed out that in this situation, there is no financial return, because there is nothing the property can be used for, feasibly. McKown noted that one could talk about using a boat to bring in cement, or having a business that people can only walk to, not drive to.

Miller interrupted with the word, “Eco-tourism,” which McKown countered that he believes that here in South Haven, businesses suffer when you close down the road in front of their business for any length of time or when parking in front of their business is restricted for any period of time.

McKown concluded that the preservation and enjoyment of a substantial property right, in this case, is simply to use the property for a use that is allowed under the zoning ordinance.

McKown noted that in effect, if this does not change, the city will have taken this property, without compensation.

***5. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situations.***

McKown noted that as far as he is aware, this is the only property which is a commercial property with the only access being over private property. McKown said that there are public roads that go through residential properties to get to commercial properties, and he assumes that is not what the city council meant when they passed this ordinance, or there would be innumerable complaints about the public traveling through residential neighborhoods to get to a commercial property. McKown stated that this is a very unique circumstance and not one that is easily provided for in the ordinance. It is not clear to the applicant why this provision is even in the ordinance, but McKown noted that it must be there for some reason, presumably not to take away this applicant's ability to get to his own property.

***6. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, shall not be the result of actions of the property owner. In other words, the problem shall not be self-created.***

McKown said this problem is not self-created; it is not self-created because the ordinance did not exist when the property was purchased. It was imposed as a result of a new ordinance provision by the city.

***7. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.***

McKown stated that he has not seen, in thirty years of zoning law, a case this difficult. This is not merely inconvenient; this is taking away the ability to use the property reasonably for a commercial purpose.

***8. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.***

McKown explained that there really is not an alternative available for this purpose. That is why the applicant is asking for the variance request. McKown noted again that there will be many other issues that need to be addressed when a particular use is made of this property; the applicant is going to have to jump through the hoops and provide the assurances, such as the condition of the road, at that time.

Lewis asked what would happen if the board would grant this variance request, and the DEQ comes along and says, "No way!"

McKown noted that the DEQ does not care about commercial use; they care about wetlands and wetlands mitigation. McKown pointed out that the DEQ could say you can't use some percent of the property or if you use it you have to do wetlands mitigation.

Lewis stated that the DEQ could say the road improvements cannot be done because of the wetlands. McKown stated that the road is not in the wetlands. Lewis said one portion could very well be in the wetlands to which McKown responded that, having driven it this evening to refresh his memory, there is one small portion of the road that might be within ten (10) feet of some weeds that might be considered wetland plants, but that most of the road is considerably further away from the wetlands than ten (10) feet. However, McKown noted that if that were the case, the applicant would likely be required to do wetland mitigation, which might involve turning a part of the property that is not wetland into wetland, pointing out that is where the DEQ has its say.

Lewis countered that he just used that as an example to which McKown stated that there may be circumstances where the uses of this property may be limited but the DEQ authorized it as a marina back in the 1990s.

**9. That the variance will relate only to property under the control of the Applicant.**

McKown noted that the applicant is not asking for any ***variance regarding the use of the property that the applicant owns (outlined in yellow on the overhead map). We are asking for an exemption from Section 1716.2 that relates only to the applicant's property and is not going to affect the access the other people have; they will still have access to their property over that private road.*** ~~on the property that the applicant owns it is the part outlined in yellow that we are actually asking the exemption from and that is not going to affect the variance the other people have, they will still have access to their property over that private road.~~ Their ability to access their homes is not going to be impaired because the law does not allow another easement holder to block access or make it not usable. McKown does not believe there will be any impact on the easement itself as far as the ability of other people to use it.

After consulting with Mr. Nixon, McKown noted that his only comment is regarding the DEQ and noted that "we are not asking for any carte blanche approval of anything we want to do" and that the Applicant is aware that this is not the end, but just the beginning.

Lewis called for any members of the public who would like to speak and reminded that the public is given three minutes to speak, and staff will give the speaker a warning when the time is about up.

Larry Chambers, 863 Black River Road. Stated he has been on the Black River for thirty-nine years, has been flooded out three times; stated he is "against this project" and "we want our peace and quiet."

Robin Abshire, 835 Black River Road. Stated that she passed the attorney tonight on Black River Road, they were both driving small vehicles and it was difficult to pass. Also noted the proliferation of wildlife and that adding a commercial enterprise in the yellow zone would detrimentally affect property owners, whether or not the road was improved.

Richard Docksteder, 600 Virginia Avenue and 500 Kentucky. Stated he owns thirteen (13) slips in Oak Harbor and a house right next door; is kind of a caretaker of Oak Harbor. Enumerated seeing dump trucks bringing dirt and pickups bringing railroad ties, people doing things they shouldn't and building bridges and roads and a turnaround without permits. Qualified that he is not sure there were not permits but the owner knows. Stated he is against development on that property since it is a wetland and refuge for wildlife.

Maureen Moravec, Oak Harbor, 500 Kentucky Avenue. Spoke on behalf of residents, both human and all the wildlife they currently enjoy. Mentioned Mr. Heron, the Duck family and Mrs. Swan, as well as the benefits of wetlands and fish to the environment.

Sue Fritz, 430 Cherry Street and 553 LaGrange. Stated that when we lose wetlands to commercial enterprise we lose a piece of what draws people in for agr-tourism. Asked the board to help preserve our nature lands.

Don Bain, 500 Kentucky Avenue, slip 11. Bought his property because of the wetlands across the river. Expressed his opinion that in allowing development in the wetlands the board would be taking away some of the very thing that draws people here to relax from wherever they come from. Against any development in the wetlands.

Dixie Capps, 809 Black River Road. Asked the ZBA members if they had all visited the site. The members responded that they all had. She noted that this is a little complicated with the state, the township and the city. Informed the board of some of the back history of property owners acquiring ingress and egress to their properties. Said the city calls that a road but according to the township supervisor that is still private property.

David Nixon, 1063 E. Wells Street. Stated he has paid over \$250,000 in taxes since he bought this property. Noted that nothing has been done illegally and that there is no plan to disturb wetlands. Had DNR approval for everything he has done including the turnaround. He had approval from the DNR and the Harbor Commission to put in 34 boat slips. Noted that this meeting is about ingress, egress and use of the property; "our property rights have been usurped by that clause in the ordinance".

Lewis asked confirmation of the amount of taxes Nixon paid since he owned the property; then asked whether Nixon is just now trying to use the property. Nixon declared that he has tried to use it; in 1998 the City put a moratorium on campground development and made it more restrictive to put in campgrounds and that is when the clause was added to the Zoning Ordinance, about accessing commercial property through residential property. Stated that in 1996 he tried to put in the boat slips and the campground, and at that time the City put a moratorium which lasted for two years and at that time they changed the zoning ordinance.

Nixon added that most of the septic systems on the Black River Road do not meet the standards of the health department and are a big part of the problem of the river polluting the beaches.

Lewis asked if anyone else wished to speak; seeing none, Lewis called for a motion to close the public hearing.

Motion by Wittkop to close the public hearing. Second by Miller.

All in favor. Motion carried.

Lewis noted that he would like to have some discussion but ultimately would like to go through the nine standards one by one. Boyd asked whether all nine of the standards must be answered with a yes. Lewis agreed that is true. Boyd inquired whether if even one of the standards is not met, the rest of the standards are irrelevant, to which Lewis responded that is true. Bugge said she would like to hear some discussion. Boyd stated that is what he is trying to do, discuss the first standard regarding the variance, if granted, would be detrimental to adjacent properties. Bugge stated all nine need to be discussed. Lewis said the board will discuss all nine, and Miller responded that the judge sent it back, requesting that the board discuss more than one. Lewis repeated that the board will discuss all nine.

Bugge would like to discuss alternate access to this property. After discussion regarding asking questions during or after the public hearing, Bugge requested to hear from the applicant or his attorney regarding what other options have been looked into.

McKown stated that Kal-Haven Bikes attempted to acquire the property to the north, or access across the property, in an effort to provide access. He further stated that "negotiations broke down" and have not been resumed. McKown noted that while the state may permit, it does not encourage, motorized access across the Kal-Haven Trail, and there is no way to force the state to allow them to do so. After further questions from Bugge regarding vehicular access, not foot access, and what efforts the applicant has made to acquire another way to access the property, McKown reiterated that over a period of years, the applicant has attempted to purchase or acquire access through the property to the north and east, which is privately owned. The owner does not want to sell or communicate regarding access, so the applicant cannot buy. That is why there have been a series of lawsuits regarding the private road, including Ms. Capps, who spoke, had a lawsuit to establish her easement.

Boyd stated that there is access by foot across the Kal-Haven Trail and that it has been used and a path has been improved, and there is a fire pit, a place to sit and "keep out" signs are posted.

Lewis read the first criteria and asked for discussion. Boyd stated that approving this variance will be detrimental to the surrounding neighborhood. Lewis noted that the property owners have stated that on multiple points, to which Boyd agreed, pointing out that since we do not know what commercial use will go in there, no commercial use should be allowed.

Bugge pointed out that anything that goes there, even ten (10) houses, will have an effect but how much effect is undeterminable at this time and that happens any time a property is developed. Noted that there will be consequences.

Paull pointed out that there is a potential for all kinds of vehicular traffic, including vehicles with campers and boat trailers, along what has been a residential road. The ordinance was placed to protect just such a residential development from an influx of commercial traffic. Wildlife is not an issue at this time.

Wheeler noted that the board does not need to prove that such development will be detrimental, just consider that it could be. Paull agreed.

Miller suggested that the first criteria is somewhat vaguely written, and he believes that is deliberate and the board is looking at a very subjective situation. Miller pointed out that other than the developer (applicant) there have been no favorable comments at all.

Wittkop feels that just the interpretation of this easement as a private road, which was determined through the zoning ordinance, has already impacted the residents negatively, so "if just calling it a road is detrimental, how could building a road not be detrimental?"

Lewis noted that he believes the City Council has before them a definition of a private road, which came out of this situation. Anderson stated that is true, and that will come before the council for second reading and possible adoption. Anderson noted it is just to clarify what an easement is or is not, and the issue of private roads which were hardly defined at all. Lewis explained that part of the definition of private road indicates that it is maintained by the owner or owners and is not dedicated for public use.

Lewis and Anderson discussed the use of straw polls after each item discussion and Anderson noted that each standard needs to have a majority for or against. If a straw poll looks mixed, the chair can call for a roll call.

Bugge asked for clarification of whether the Zoning Board of Appeals determined that this easement is a private road, to which Anderson responded, "Yes, the way this easement was written it did meet the qualifications for a private road. We did try to make it very clear that every easement is not a private road, but in this particular case it was, and the board was very clear about that."

A straw vote unanimous that the criteria in **Standard One (Sec. 2205-1)**, "Such variance will not be detrimental to adjacent property and the surrounding neighborhood" has not been met.

Lewis read the second standard and Wittkop commented that he believes the ordinance is very clear that access to commercial property through residential property is not allowed. After discussion, Lewis stated that he thinks a very important distinction is being made by Bugge that this road is through residential property. Paull noted that item number two of the ordinance is written, as is the whole ordinance, to protect property rights, thus the request does not meet this part of the ordinance.

A straw vote is six to one that the variance request does not meet the criteria in **Standard Two (Sec. 2205-2)**.

Boyd asked if, since two standards have not been met, it is necessary to continue through all nine. Lewis stated he believes the board should go through all nine. Wheeler asked Anderson what her feeling is on that; Anderson deferred the question to the city attorney.

Ken Lane, City Attorney. Stated it is a good idea to go through all nine, that according to zoning ordinance section 2209 you have to hit all nine, so even if the applicant meets eight out of nine, that is not good enough.

Lewis read **Standard Three (Sec. 2205-3)** regarding exceptional or extraordinary circumstances. The board unanimously agreed that this standard is met.

Lewis read the **Fourth Standard (Sec. 2205-4)**. Discussion brought agreement that as the applicant's property is currently zoned this standard is met.

**Standard Five Sec. 2205-5)**, regarding whether this is a common or recurring situation, was read by Lewis. Discussion by the board brought consensus that this standard is met by the applicant's situation and the board is not aware of any other properties in the city that have this particular situation.

Lewis skipped to **Standard Seven Sec. 2205-7)**, "Strict compliance with area, setbacks, etc." which was quickly seen as moot by the entire board.

**Standard Eight (Sec. 2205-8)**, that the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship, was discussed. Lewis stated there are other ways to access the property. Bugge agreed; Paull noted there already is access to the property. Foot traffic and the river were enumerated by Lewis as means of access. Bugge noted that there is another property, whether it has come to fruition yet, of acquiring access through purchase of another property. Lewis noted that it is possible that at some time the state could grant access across the Kal-Haven Trail, pointing out that he has not heard that the state has absolutely denied vehicular access across the trail.

Discussion ensued regarding which standard the board is discussing, with Lewis stating the board is on **Standard Eight (Sec. 2205-8)**. After several comments, Bugge noted that **Standard Six (Sec. 2205-6)** is regarding whether the problem is self-created. The board agreed that the issue is not self-created by the applicant.

Lewis requested that the board resume discussion of **Standard Eight (Sec. 2205-8)**. Boyd said all avenues have not been exhausted and Wittkop agreed; Lewis reiterated that he has not heard testimony that the state has positively denied vehicular access across the Kal-Haven Trail. Bugge noted that although the applicant has been unsuccessful in acquiring property from the property owner to the northeast that still remains as a potential future option for access. Lewis stated that the property can be accessed by foot or the river and still be used for commercial use. A straw poll indicated that this standard is not met by the applicant.

**Standard Nine (Sec. 2205-9)**. That the variance will relate only to property under control of the applicant, Lewis noted that he believes the board can agree to that. Anderson asked for the board to clarify this as a yes, the standard was met by the applicant, which was done.

Lewis called for a motion. Wheeler asked for clarification of how many of the standards have not been met.

Motion by Boyd to deny the variance request to 1716.2 because three of the nine Standards, Standards One (Sec. 2205-1), Two (Sec. 2205-2) and Eight (Sec. 2205-8), were not met by the applicant. Second by Paull.

Lewis stated it has been moved and supported to deny the variance and called for further discussion. Hearing none, Lewis noted that a yes vote is to deny, and a roll call vote was taken.

Ayes: Bugge, Miller, Paull, Wheeler, Wittkop, Boyd, Lewis  
Nays: None

Motion carried.

Lewis noted that the variance has been denied.

Lewis commented that there is another option for this property; it could be rezoned to residential.

## **NEW BUSINESS – PUBLIC HEARING**

### **7. One Apache Court Rear Setback Variance**

Anderson introduced the request for a rear yard setback variance on 1 Apache Court. Anderson noted that this property has frontage on Apache Court and the rear yard is defined as being opposite the driveway entrance. The house is fifteen point six (15.6) inches from the lot line and the proposed addition would move the structure to eight (8) feet six (6) inches, where the ordinance requirement is twenty-five (25) feet. Anderson noted that the variance is being requested because the main floor does not have a full restroom or bedroom. The den which bumps out would be remodeled and added on to for the proposed addition.

There was discussion regarding the letters of approval from adjacent property owners included in the agenda packet which the board received.

Motion by Wheeler, second by Boyd to open the public hearing on Item Number Seven (7).

All in favor. Motion carried.

Kristen Dibble, Olson Brothers Contractors. Filed the application for the variance for Mr. and Mrs. Olson and Olson Brothers would be performing the work for them. Dibble explained the need for an accessible bathroom and bedroom due to recent medical issues experienced by the home owners. All bedrooms and full bathrooms are on the second floor, and while the applicants are currently in good health, looking to the future the addition of the accessible bathroom and bedroom on the main floor seems prudent. Dibble stated that she looked at various options and this is the option that would be the simplest since there is already a half bath with sewer and water lines, and an existing den that could be expanded to create a master bedroom with accessible bathroom. Other options would necessitate tearing up landscaping, retaining walls and a patio.

Dibble noted that the house was constructed forty-five years ago and is considered a non-conforming structure. Paull asked what is beyond the rear setback of the applicant's house to which Dibble responded that it is the neighbors' front yard, the neighbors who wrote a letter saying they are not opposed to the project. The board requested information on how close the addition would be to the neighboring house; Dibble said there is about forty feet between the two houses.

Bugge commented that there is ample space to the east of the house that other accommodations could be made to add a bathroom and bedroom. Dibble countered that in

speaking with Anderson; she understood that this board would not require massive changes to make this addition happen. Bugge suggested that there are various other options open to the homeowner, including turning garage space into living space. Discussion ensued leading to a comment by Lewis that the cost of the improvements is not the problem of this board.

Donald Olson, 1 Apache Court. Stated that the garage is considerably larger than the space that we want to add, and noted that when he built, he was told that the property we are considering was a side yard, not a backyard.

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

All in favor. Motion carried.

Paull asked for clarification regarding front, rear and side yards. Anderson stated that the ordinance defines a rear yard as the yard opposite the driveway.

Bugge asked for clarification of what zone the properties on Apache court are; Anderson noted that all of Apache Court is R1-A but the property to the north is R1-B.

Lewis brought up the issue of other alternatives which was first noted by Bugge. Bugge pointed out that this addition will increase the non-conformity of an already non-conforming structure. There was discussion regarding the proposal being a modest and fiscally realistic solution to a problem the applicant wants to address; however Bugge pointed out that financial issues cannot be considered when considering a variance. Bugge also stated that there is nothing unique about this issue.

Anderson asked whether the board was considering a particular standard with their discussion to which Lewis responded they were not, but it would be good to go through the standards on this and all proposals that the board considers.

**Standard One (Sec 2205-1).** Discussion by the board occurred regarding the adjacent property versus the adjacent property owner being the consideration of the board, since a variance goes with the property. Lewis took a straw poll and the majority of the board agreed that Standard One was met by the applicant.

**Standard Two (Sec. 2205-2).** Miller commented that he feels Standards One and Two run together, not just in this case but in most cases. It was noted that this request causes a small additional non-conformance. Lewis noted that six of seven members agree that this standard has been met.

**Standard Three (Sec. 2205-3).** Bugge noted that there are no unique circumstances at all due to the size of the property. Miller asked whether if by approving this request the board would be accommodating a proposal that is convenient and makes sense to the homeowners; "Is that within the board's purview?" Bugge responded, "No." Lewis deferred to Anderson who responded that not one standard mentions convenience; that word is not in the standards. Anderson explained that as Bugge pointed out, a variance stays with the property so you are not looking at the convenience of the current owner, but at the long-term use of this property. Discussion ensued regarding whether approving a variance sets precedent and whether granting a variance that could be accommodated in an alternate way

opens the city to more requests of similar nature. Wheeler noted that what seems unusual or extraordinary to one member may not seem so to another member.

A straw poll indicates three feel this standard has been met, while four do not.

**Standard Four (Sec. 2205-4).** Bugge said that having a bathroom on the first floor is not a given property right. Wheeler commented that while having a bathroom on the first floor might contribute to the enjoyment of the property, such as if one takes blood pressure medication which necessitates frequent visits to the restroom.

The result of the straw poll was six for and one against.

**Standard Five (Sec. 2205-5).** Lewis, Bugge, Boyd and Anderson weighed in on whether this was or was not a general condition that would be recurrent enough to make changing the zoning ordinance necessary.

Straw poll result was six for and one against.

**Standard Six (Sec. 2205-6).** Lewis noted that this could be argued either way; Bugge noted that the homeowner self-created the need for an addition in this particular spot. Lewis said if argued that way, every variance could be called self-created.

Lewis called for a straw poll, the result of which was six for and one against.

**Standard Seven (Sec. 2205-7).** Discussion regarding the applicant being able to use the property for a permitted use.

A straw poll indicated that none of the board felt that the applicant had met this standard.

**Standard Eight (Sec. 2205-8).** Some of the board felt this one runs with Standard Seven. However, Boyd noted that fiscal issues aside, this request falls under reasonable to him.

A straw poll resulted in three board members who feel the standard has been met and four members who do not.

**Standard Nine (Sec. 2205-9).** Lewis commented that he does not believe anyone would argue with this standard and silence from the board indicated he was correct.

Lewis requested of Anderson which standards were not met. Anderson responded that **Standards Three (Sec. 2205-3), Seven (Sec. 2205-7) and Eight (Sec. 2205-8)** were considered not met by straw poll of the board. Lewis then called for a motion.

Motion by Wittkop to grant the variance to the Olson's for the construction of an addition to the rear of their house, taking the rear setback from fifteen (15) feet six (6) inches from the lot line to eight (8) feet six (6) inches, where the ordinance requirement is twenty-five (25) feet. Second by Miller.

Lewis requested that Wittkop give a criteria for his motion. Wittkop disagreed with the need to go through the standards in the way that was done tonight stating he has been on the Zoning Board for five years and has never been asked to go through the standards in this way; stated that if this process is followed the board will always deny anything that is

proposed. Wittkop stated if it is this black and white there would be no need for a board. Wittkop feels this is a good solid proposal that will work for the applicant, with no objections from the neighbors, it is a variance to the zoning ordinance and Wittkop agrees with it. Boyd agreed and said call the vote.

Lewis stated he does not know how he could vote to approve this variance when he knows there are three of the nine criteria have not been met. Wheeler said he thinks the same thing. Lewis noted that while we have not formally gone through the standards sometimes in the past, we have discussed them informally. Boyd noted that this line by line, bullet point by bullet point approach with the voting casts a cloud over what is a good, reasonable request by an applicant with thought for their neighbors and we are here to vote for the community.

Lewis called for discussion; hearing none a roll call vote was requested.

A request to table was overridden by the need to vote for the motion on the table.

A roll call vote was taken.

Ayes: Miller, Paull, Wheeler, Wittkop, Boyd

Nays: Bugge, Lewis

Wheeler expressed his concern that if the board becomes too taken up with the letter of the standards that we will completely obliterate the spirit of them.

Bugge said we need to have the standards and discuss whether or not the proposed variance fits the standards; our question is will it fit the ordinance? Can it fit the ordinance? Is it unable to fit the ordinance? And a variance is granted when it is unable to fit the ordinance. In this case the applicant can fit the ordinance requirements.

Paull noted that once when he testified in court he gave a statement of what good governance is and we acted in what I believe is good governance. This is a judicial board. That is the way it is chartered by the state; it is the way our city charter identifies it, and it means that it has the ability to decide on its own. It is not legislative and it is not political. It is judicial. And while there are some indications of non-compliance, judicial decisions are more than just compliance.

## **8. Member Comments**

None at this time.

## **9. Adjourn**

Motion by Paull, second by Boyd to adjourn at 9:15 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom  
Recording Secretary

**SOUTH HAVEN HOUSING COMMISSION**  
**Regular Meeting**  
**South Haven Housing Commission Conference Room**  
**220 Broadway, South Haven, Michigan 49090**  
**September 25, 2013**

**CALL TO ORDER:** The Regular Meeting of the South Haven Housing Commission was called to order at 5:12 p.m. by Chairperson Eugene Ladewski at the South Haven Housing Commission Conference Room, 220 Broadway, South Haven, Michigan.

**ROLL CALL:** Present: Chairperson Eugene Ladewski, Vice-Chairperson Sandra Seroke, Commissioner Rev. Aaron Cobbs, Resident Commissioner Tom Thomson, and City Council Representative Gail Patterson. Absent: Commissioner Daniel Mezak. Also present: Executive Director and Secretary Charles Fullar.

**INVOCATION:** Commissioner Rev. Aaron Cobbs delivered the invocation.

**PUBLIC COMMENTS:** None.

**CONSENT AGENDA:** 1) Minutes of the Regular Meeting August 28, 2013. 2) Current Operating Expenses - \$75,632.39. 3) Homeownership Expenses - \$0.00; 2011 Capital Fund - \$0.00; 2012 Capital Fund - \$0.00; and 2013 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 July 2013. 5) Correspondence: None. 6) Other: SHASS August 21, 2013, Board Meeting Minutes.

It was moved by Commissioner Rev. Cobbs to approve the Consent Agenda; Seconded by Commissioner Thomson. All votes in favor. Motion carried.

**UNFINISHED BUSINESS:** 1) Status Report 2013 FYE Audit Process: Executive Director Fullar reported the 2013 FYE Financial Audit was performed September 10, 11, and 12. There were no findings. The audit report will be presented to the Housing Commission upon its completion.

2) 2013 Capital Fund Program (CFP) Grant Award Update: Executive Director Fullar reported the 2013 CFP Grant is now in LOCCs and the funds are available for use.

**NEW BUSINESS:** 1) 5 (h) Homeownership Homebuyer Education Classes: Executive Director Fullar reported the education classes were scheduled to start September 22<sup>nd</sup>. The classes were canceled due to lack of participation.

2) 2014 Annual Capital Fund Program Schedule: Executive Director Fullar supplied copies of the 2014 CFP Annual Plan schedule. The process will start with resident meetings in early November.

**EXECUTIVE DIRECTOR'S REPORT:** Executive Director Fullar reported the next RAB meeting is scheduled for October 17, 2013; reported, homebuyer education classes will be rescheduled; reported, the next CDC meeting is scheduled for October 9, 2013; reported, River Terrace and Harbor View Fire Drills were held on September 24<sup>th</sup>.

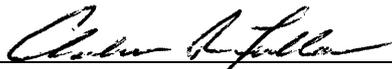
**COMMISSIONER'S COMMENTS:** Chairperson Eugene Ladewski expressed his interest to continue with the River Terrace Building Addition Dedication. Executive Director Fullar will coordinate a resolution with the City affirming October as Housing America Month.

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**ADJOURNMENT:** It was moved by Commissioner Thomson to adjourn; Seconded by Commissioner Seroke. All votes in favor. Motion carried. Meeting adjourned at 5:45 p.m.

Respectfully submitted:

Approved October 23, 2013

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

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

# Board of Public Utilities

## Regular Meeting Minutes

Monday, September 30, 2013  
4:00 p.m., DPW Conference Room, 1199 8<sup>th</sup> Avenue



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

### 2. Roll Call

Present: Burr, Henry, Stein (ex-officio), Stickland  
Absent: Overhiser (ex-officio), Rose (ex-officio), Winkel

Motion by Burr, second by Henry to excuse Winkel.

All in favor. Motion carried.

Also present: Larry Halberstadt, City Engineer; Steve Oosting, City Engineer; Wendy Hochstedler, Finance Department Director

### 3. Approval of Agenda

Motion by Henry, second by Burr, to approve the September 30, 2013 Regular Meeting Agenda as presented.

All in favor. Motion carried.

### 4. Approval of Minutes – August 28, 2013

Motion by Henry, second by Burr, to approve the August 28, 2013 Regular Meeting Agenda 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. 2013 Billings – All Charges

B. 2012 Billings – All Charges

Discussion ensued regarding the electrical usage and charges.

**7. Financial Reports**

- C. Water Fund CuFt Comparisons
- D. Water Fund Financial Statement
- E. Sewer Fund Financial Statement
- F. Electric Fund KWH Comparisons
- G. Electric Fund Financial Statement

Stickland had a question on the debt service budget which Hochstetler addressed as bonds for the water treatment plant. Burr noted the prior year-to-date sales seem to reflect only one month. Hochstetler will double check the calculations.

Stickland questioned capital outlay for electrical being in anticipation of projects.

**8. Indian Grove Infrastructure Project**

- A. Sewer Study Progress Report

Huff pointed out the additional smoke testing is complete and will be followed up next month with a summary of findings. Stickland recalled a situation around ten years ago when there were findings in the same area and it was repaired in-house. Stickland, Halberstadt and Huff discussed whether smoke testing would show results in a house with a sump pump. Halberstadt noted that sump pumps have a check valve which works against discovering an issue using smoke testing. Discussion ensued regarding the intersection of Dyckman and Black River.

**9. Unresolved Issues Report**

Halberstadt requested the Dyckman and Black River storm sewer issue be placed on the report.

Stickland noted there are several issues that have been the report for a while.

Security lighting: A study on the cost would be helpful so the city knows what to charge for rental and installation.

The board noted a change in the wording in agreements regarding contractors not being liable for sub-contractors' quality of work.

Tampering fees: Still under discussion.

Halberstadt updated the board on Meijer's putting in an electric car charger. Meijer's will not be installing one at the South Haven store because they feel there will be no demand.

**NEW BUSINESS**

**10. Update on Phoenix Street, Fall Paving and Dyckman Bridge.**

Oosting noted that the Phoenix Street project is going great; the starting point was the water main which has been installed, disinfected and pressure tested. The pavement at Phoenix and Broadway has been completed and Broadway is opened up to traffic again. Work is progressing on underground utilities between Broadway and the welcome island: water services, storm sewer, etc.

In response to a question from Burr, Oosting noted the new twelve-inch (12") main is in place to the welcome island; the old eight-inch (8") main is still serving the buildings until the connection to the new water main can be made.

Burr and Oosting discussed the demolition of the building on the corner; Oosting would like to see it done soon so heavy trucks and equipment can go through on gravel rather than after new pavement is in place.

In response to a question from Burr about the installation of the fiber optic cable, Oosting noted that there is existing conduit through which Bloomingdale Communication's cable runs and there is room in that conduit for the new fiber for Wi-Fi.

Halberstadt updated the board on fall paving, as outlined in the staff memo. Center from Superior to Huron is a straight-forward resurfacing along with replacing some sidewalks and sidewalk ramps to achieve compliance with Americans with Disabilities Act (ADA). Halberstadt informed that the project should be wrapped up by mid-November. There was discussion regarding how late the asphalt plants stay open.

Dyckman Bridge project. Halberstadt updated the board on the delay as indicated in the press release. MDOT decided to throw out the bids received on September 6<sup>th</sup> due to unbalanced bid items and require new bids.

Huff noted that Halberstadt did a lot of work with MDOT with a good level of cooperation from the people he was working with; however, MDOT officials made the decision to re-bid.

## **OLD BUSINESS**

### **11. Board will continue discussion concerning the ten percent (10%) penalty rate for late Utility payment.**

Responding to questions from the board on how the current penalty is applied, Hochstedler explained that the ten percent (10%) late fee is applied on the current amount that is late. Stickland pointed out a couple of the municipalities are charging 2% only on electric late fees. Based on research into various utilities' late fee policy, it was determined that there are variables among the utilities regarding late fee policy. Henry said the ten percent (10%) penalty seems like a lot for someone who does an occasional nonpayment or late payment as opposed to someone who is historically late. Stein pointed out that the ten percent (10%) or two percent (2%) fee does not seem to matter to some people. Burr noted any utility usually has a percentage of people who always pay on time, a percentage that will always be late, etc. Stickland would like to have the time to research a little bit and be able to make a comparison between ten percent (10%) and two percent (2%) across the board compounding with no waivers and a charge for bad checks. Stein said it would be interesting to know what the difference would be between a straight ten percent (10%) and two percent (2%) compounded. The board will continue to review this item.

**12. Next meeting is scheduled for Monday October 28, 2013 at 4:00 pm in the DPW Conference Room, 1199 8<sup>th</sup> Avenue, South Haven, Michigan.**

**13. Director's Comments**

Huff updated the board on GRP electrical projects:

- 2<sup>nd</sup> Avenue rebuild: bid opening date October 17.
- Phoenix Road Transformer: will be out to bid in 2 weeks.
- Veterans Boulevard: will be out to bid in early November.
- Core city upgrades: first section will be out to bid in December.

Huff announced the appointment of a new electrical supervisor: Jim Pezzuto.

**14. Board Member Comments**

Henry asked if city employees are expressing concerns about pension plans to which Hockstедler responded that no one has expressed concern. Discussion ensued regarding changes that have occurred and potential changes.

**15. Adjourn**

Motion by Burr, second by Henry to adjourn at 5:11 p. m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom  
Recording Secretary

Liberty Hyde Bailey Museum Board of Trustees Meeting Minutes- October 15, 2013

Members Present: Anne Long, Robin Reva, Joan Hiddema, Olga Lewis, David Fenske, Clark Gruber

Staff Present: John Linstrom

Guest: Melanie Gleiss

Excused: Cindy McAlear, Bill Lundy

Meeting was called to order at 7 P.M.

**MOTION** by Joan Hiddema to accept September minutes, second Robin Reva, passed.

**Treasurer's Report**

Assets: \$32,872.50

Deposits: \$95.00

Expenses: \$507.21

Joan Hiddema, treasurer, stated that she would be meeting with Bobbi Otto to address the tax return amendments that need to be done. Joan also asked that all board members come prepared to share one idea of fund raising for the museum at the November meeting.

**Director's Report**

Mr. John Novarr of Ithaca, New York, has responded very generously to staff inquiry about the portion of the Bailey's family library that he inherited with the Sage Place house, and has offered all the remaining books (roughly 400-500) to the museum.

**MOTION** by Joan Hiddema to authorize the treasurer to write a check to John Linstrom for expensed incurred to secure the personal book collection belonging to Liberty Hyde Bailey and Ethel Zoe Bailey, second Robin Reva, passed.

Robin Reva is advising on restoration procedures, as the collection has suffered from poor environmental conditions. It is understood by the board and staff it will be important to commit to proper restoration and to develop the library facilities. John Linstrom will be using the Maritime Museum's Great Lakes Research Library as a model and has been in contact with them.

Director Linstrom is also in contact with the Bailey Hortorium to establish if the museum can fill in gaps in our collections of the two publications that Hortorium published in the past: *Gentes Herbarum* (started in 1920 and for a long time devoted to Bailey's publications) and *Baileya* (begun in Bailey's honor in 1953, and our collections encompasses an unbroken set from the first issue to 1989).

McNeil Event Room will feature a gallery collection of original work by Sy Ellens of Kalamazoo. There will be no charge to the artist; open free to the public and the museum will receive 30% sales. The artist was recommended by the South Haven Center for the Arts and Director Linstrom is working with the Center for the Arts to collectively advertise the event.

Bailey School Outreach Program will be presenting three separate programs to all fourth graders in the South Haven Public Schools involving Director John Linstrom, Russ Schipper of the Kalamazoo Audubon Society and Pete Stobie of the Kalamazoo Nature Center. Teacher, Jenny Puvogel, is volunteering to identify curricular ties for each program and teacher, Rebecca Linstrom, is organizing class schedules.

**MOTION** by Robin Reva to pay \$680 to the Kalamazoo Nature Center for a two-day program at North Shore Elementary, second Clark Gruber, passed.

Director Linstrom has secured our 2014 Keynote Speaker, Fred Kirschenmann. He is a Distinguished Scholar at the Leopold Center for Sustainable Agriculture at Iowa State University and President of the Stone Barns Institute in New York. The museum will host an evening presentation on July 23, 2014 and procedure similar to hosting Jane Taylor will be used. Discussion will continue about this special event and how to present it to the community with the most desirable impact.

Linstrom will travel to Royal Oak to meet with a textile specialist to determine how to restore and display Bailey's baptismal gown.

Bailey's voice tapes, interview by George Lawrence, have been retrieved from WMUK, with CD copies of all of them. The installation of simple audio stations within the exhibit is now plausible..

## **NEW BUSINESS**

### Guidelines for Honorary Membership

#### Honorary Membership:

A one-year honorary membership is awarded by election of the Board of Trustees and Director to individuals and/or families who have distinguished themselves by meritorious service in furthering the Liberty Hyde Bailey Museum's mission and vision. Current board members and staff are not eligible for Honorary Membership. Honorary members receive all the benefits of museum membership for the duration of that membership year as a complimentary recognition of their contributions to Liberty Hyde Bailey's living legacy.

#### Honorary Lifetime Membership:

Lifetime Honorary Membership is awarded by election of the Liberty Hyde Bailey Board of Trustees and Director to an individual or family a) who has made significant contributions over a significant period of time to the success of the Liberty Hyde Bailey Museum and b) who has embodied the exemplary ideals of and made significant contributions to Liberty Hyde Bailey's legacy in the world. This honor will not be awarded more than once every two years, and it may, by discretion of the board, be offered less (but not more) frequently than that. Current board members and staff are not eligible for Honorary Lifetime Membership. Honorary lifetime members receive all the benefits of museum membership as a complimentary recognition of their contributions to Liberty Hyde Bailey's living legacy.

**MOTION** by Clark Gruber to accept the honorary membership criteria as presented, second Olga Lewis, passed.

### Annual Appeal Letter

Dear Supporter,

The Liberty Hyde Bailey Museum (LHBM) Foundation is a 501(c)3 tax-exempt nonprofit organization committed to educating people about America's Father of Modern Horticulture, the educator and agrarian philosopher Liberty Hyde Bailey. We strive to do so by preserving his birth site and promoting his vision linking horticulture and the environment to everyday life. Through exhibits, educational

programs, and other events, we enrich our community and create a space for people to come together and experience the many wonders of the natural world.

This year was one of our strongest yet, as we offered our first-ever children's programs with the Kalamazoo Nature Center, a diverse variety of adult educational programming, and our second annual special exhibit. We also enjoyed record levels of attendance and participation. We owe everything we do to the dedicated support of folks like you who believe in keeping Bailey's dynamic legacy alive. Your charitable gift to the Liberty Hyde Bailey Museum will help us get a jump start on the 2014 season and help us improve upcoming events and services like these:

- **Onamanni: A Frontier Naturalist in the Boundary Waters:** The museum's third annual special exhibit will tell the story of Bailey's 1886 expedition into Minnesota's northern Boundary Waters. Drawing from Bailey's unpublished 1887 travel narrative, *Onamanni: An Outing*, this exhibit will feature seldom-seen photographs and unpublished records of this exploration into frontier forests and Ojibwe society. It will also reveal new insights into Bailey as a young man and into the complex relationships he formed along the way with his Ojibwe companions.

- **The Liberty Hyde Bailey Research Library:** The LHBM's library holdings represent one of the most extensive public collections in the world devoted to the work of Liberty Hyde Bailey. We were recently approached by a donor in New York who inherited a large portion of the books from Bailey's personal library and would like to donate them to the museum for preservation, study, and posterity. We are taking this opportunity to enhance our library facilities and do some necessary restoration work to ensure that the Liberty Hyde Bailey Research Library will be an accessible and unique resource for many years to come.

- **Living Collections:** In 2013, for the first time and with the generous support of the South Haven Garden Club and a host of volunteer gardeners, the LHBM featured a variety of gardens organized around Bailey's lifework, effectively bringing the museum into the garden. Looking forward, we will continue to experiment with these exhibit gardens as well as create interactive garden space for children's programming and community education.

- **Homestead Maintenance:** Constructed in 1858, the LHBM is one of the oldest standing homes in South Haven and the last remnant of the Bailey farm, which was the first commercial fruit orchard in South Haven and once encompassed nearly eighty acres of land. Its influence on L. H. Bailey's outlook and development has earned it a spot on the National Register of Historic Places. We realize the importance of maintaining this significant landmark and we are working hard to properly preserve it. While some major maintenance projects, such as the stripping of exterior lead-based paint, are awaiting the approval and support of the City of South Haven, we continue to devote our efforts to maintaining and restoring the historical integrity of this place that was so vital to the history of our community and our nation.

Our exhibits, programs, and other events continue to grow thanks to our dedicated volunteers and the generous contributions of our members, but there is still great need for support. Your generosity is a direct contribution to the historic revitalization of our unique community and an invaluable opportunity to help us fulfill Liberty Hyde Bailey's vision for a better future, informed by the past. We hope you will continue to support our efforts.

Thank you for your consideration.

Sincerely,

The Finance Committee

Liberty Hyde Bailey Museum

Suggestion to include director's name and all board members names instead of using the finance committee.

**MOTION** by Joan Hiddema to accept the appeal letter with changes suggested, second Robin Reva, passed.

Anne Long reported on the Living Collections Meeting with South Haven Garden Club, museum representatives and Irene Day, master gardener.

David Fenske reported on the community gardens.

Anne Long reported to the board that Lauren Denny has submitted her resignation due to securing full time employment.

**MOTION** by Joan Hiddema that the museum hire Derek Nightengale to work this fall, second Robin Reva, passed.

Meeting adjourned at 8:10 P.M.

Respectfully Submitted,

Anne Long and Olga Lewis

Next meeting is Tuesday, November 19, at 6:00 regarding the engineering report from Abonmarche.  
Regular meeting to follow.0

# Board of Public Utilities

## Special Meeting Minutes

Wednesday, October 16, 2013  
9:00 a.m., DPW Conference Room



City of South Haven

### 1. Call to Order by Burr at 9:00 a.m.

### 2. Roll Call

Present: Burr, Henry, Stein (Ex-officio), Winkel, Stickland  
Absent: Overhiser (Ex-officio), Rose (Ex-officio)

Also present: Brian Dissette, City Manager

### 3. Approval of Agenda

Motion by Burr, second by Winkel to approve the 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.

### UNFINISHED BUSINESS

### 5. Board will be requested to review the Power Line Supply agreements and make a recommendation to City Council.

Huff noted that this agreement has been worked on for a year and reviewed the background of the request. Huff credited Chair Stickland with bringing this proposal to the form it is in today, where the city and Power Line Supply share the risk, and all in principal are in agreement. Whatever profit is made would be split between the city and Power Line Supply.

Stickland expanded on the difficulty of negotiations and how this agreement was drafted.

Dissette said we have worked actively with the city's attorney in drafting this agreement. Counsel advises that if the city took this to court we would have approximately fifty thousand dollars (\$50,000) in legal fees with a fifty-fifty (50/50) chance of getting a jury to agree with us and we would still be a customer of this company. The city attorney has been saying, "Work to get an agreement."

Henry understands all the hard work done, and all the information he has, but the proposed agreement should have some discussion about ending. If this issue is not resolved, we are back at the same point at the Oct. 2016 date. Dissette explained that the four year issue can be resolved easily. Stickland suggested making that a contingency of approval.

Motion by Henry, second by Winkel to approve the Transformer Inventory Management Agreement in the amount of \$213,648.60, with a revision for the agreement to be completed October 2017.

Discussion ensued regarding how this agreement will be handled through council.

Burr asked if we are going to actually going to meet again in two weeks. Huff noted that Stickland is not going to be here for the regular meeting on Oct. 28. Tomorrow we are receiving bids for one of the GRP jobs, Huff noted, and he would like to get approval for that unless the board wants to let staff make that decision based on GRP's recommendation.

**6. Next meeting is scheduled for Monday October 28, 2013 at 8:00 a.m. in the DPW Conference Room.**

Burr requested financial statements be presented at the special meeting.

The regularly scheduled 4:00 p.m. meeting has been canceled.

**7. Board Member Comments**

Discussion of a conference call to be placed following this meeting.

**8. Adjourn**

Motion by Winkel, second by Burr to adjourn at 9:52.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom  
Recording Secretary



City of South Haven

BOARD AND COMMISSION APPLICATION

Name Susan Trabucchi Phone [REDACTED]

Address [REDACTED]  
Street City State Zip

E-Mail Address [REDACTED]

Resident of City? (Circle One) Yes No If Yes, how long: 3.5 years

Board or Commission Applying for: Library

Qualifications: \_\_\_\_\_

Dynamic communicator, artist, and entrepreneur with 20+ years of experience  
working at the intersection of philanthropy, education, public interest media, and civic engagement.  
I am fluent in marketing and communications for mission-driven organizations, fundraising,  
public media, community engagement campaigns, and digital technology. While working for PBS  
history series, American Experience and at the Fetzer Institute (Kalamazoo),  
I formed partnerships with the American Library Association and awarded grants to public libraries  
for film presentations and community programs.  
More on my background at my website www.susantrabucchi.com

I believe I can benefit the City of South Haven by serving on a board and commission because: \_\_\_\_\_

As the daughter of working-class parents who were dedicated to education and learning,  
my life was forever shaped by access to public libraries and books. I am a passionate  
advocate for the role of public libraries, and I'm particularly interested in their power  
to provide all citizens with access to information and knowledge - now through technology, too.  
My husband (The Rev. Michael Ryan) and I love the community we have found here in South Haven,  
and I would like to volunteer time and energy to helping support and grow what is already a wonderful resource

Signature *Susan Trabucchi* Date 9/27/13

Return Application to:  
City of South Haven  
Attn: Clerk's Office  
539 Phoenix Street  
South Haven, MI 49090  
Fax: (269) 637-5319  
Phone: (269) 637-0750

For Office Use Only:  
Appointed \_\_\_\_\_  
Term Expires \_\_\_\_\_  
Letter Mailed \_\_\_\_\_



## Resolution Establishing a Corridor Improvement Authority

City of South Haven

### Background Information:

Staff is requesting that City Council consider establishing a Corridor Improvement Authority to address issues related to the I-196 Business Loop and M-43 in the city limits.

A Corridor Improvement Authority is governed by a board of members appointed by the Mayor. A majority of the board should be persons who own property or a business within the development area. At least one of the members should be a resident of the development area or within 1/2 mile from the development area.

A Corridor Improvement Authority is similar to a Downtown Development Authority in that it can receive tax increment financing to manage and implement improvements in the public right of way. Improvements may include streetscaping, beautification, pedestrian crossings and changes to the road configuration. In order to receive this funding, a tax increment financing plan would need to be requested by the Authority and approved by City Council.

The resolution currently under consideration does not establish a tax increment financing plan. It creates an authority (board) which has the legal authority to request such a plan from the City Council.

Staff is currently working with a consultant to do traffic counts and analysis, which will eventually be used to develop plans which would be recommended to MDOT and the Van Buren County Road Commission. Establishing an Authority would help staff ensure that the plans are developed with input from property owners and the public.

Whether or not the Authority decides to request a tax increment financing plan, the Authority will be useful to allow residents, property owners and business owners to participate in discussions with MDOT and the County Road Commission regarding proposed changes and improvements to the corridor district.

The resolution under consideration would establish the Corridor Improvement Authority.

The Mayor would then appoint the authority board with approval of the City Council, and the Authority would then begin meeting.

The intent is that the Authority would begin a process of developing engineering plans for all or part of the corridor, in cooperation with MDOT and the County Road Commission.

**Recommendation:**

Approve the Resolution Establishing a Corridor Improvement Authority.

**Support Material:**

1. Resolution Establishing a Corridor Improvement Authority
2. Corridor Improvement District Map

Respectfully submitted,  
Paul VandenBosch

CITY OF SOUTH HAVEN  
VAN BUREN AND ALLEGAN COUNTIES, MICHIGAN

RESOLUTION NO. 2013-64

A RESOLUTION TO ESTABLISH THE CITY OF SOUTH HAVEN CORRIDOR IMPROVEMENT  
AUTHORITY

Minutes of a regular meeting of the City Council of the City of South Haven, Van Buren and Allegan Counties, Michigan, held in the City Hall, 539 Phoenix Street, South Haven, Michigan 49090 on November 4<sup>th</sup>, 2013 at 7:00 p.m. local time.

PRESENT: \_\_\_\_\_

ABSENT: \_\_\_\_\_

The following preamble and resolution was offered by Member \_\_\_\_\_ and supported by Member \_\_\_\_\_.

WHEREAS, the Corridor Improvement Authority Act, 2005 PA 280, as amended, MCL 125.2871 et seq. (the "Act") authorizes the City of South Haven (the "City") to establish a corridor improvement authority; and

WHEREAS, the City Council of the City (the "City Council") adopted a Resolution of Intent to Establish a Corridor Improvement Authority and Setting a Public Hearing on July 15, 2013 (the "Resolution of Intent"); and

WHEREAS, a public hearing was held on August 19, 2013 (the "Public Hearing") at the City Hall to consider the establishment of a corridor improvement authority and the designation of the boundaries of a development area; and

WHEREAS, notice of the Public Hearing was given by publication in the South Haven Tribune on July 21, 2013 and July 28, 2013, by certified mail to the governing body of each taxing jurisdiction levying taxes that would be subject to capture if a tax increment financing plan is approved on July 17, 2013, by first class mail to the property taxpayers of record in the proposed development area on July 18, 2013 and by posting in 20 conspicuous and public places in the proposed development area on July 19, 2013; and

WHEREAS, more than 60 days has passed since the public hearing; and

WHEREAS, the City Council has determined to establish a corridor improvement authority for the development area identified in the Resolution of Intent.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Determination of Necessity. The City Council finds that it is necessary and in the best interests of the City and the public to create a public body corporate for the purpose of preventing deterioration in business districts, fostering economic development and the redevelopment of commercial corridors, and to promote economic growth.

2. Creation of the Authority. A corridor improvement authority designated the "City of South Haven Corridor Improvement Authority" (the "Authority") is established pursuant to the provisions of the Act.
3. Designation of Development Area. The development area of the Authority shall consist of the territory in the City described on the attached Exhibit A and shown on the map attached as Exhibit B, subject to any amendments made from time to time pursuant to this Resolution or the Act (the "Development Area").
4. Authority Board. The Authority shall be under the supervision and control of a seven member board of directors (the "Board") consisting of the mayor or the mayor's designee and six members who shall be appointed by the Mayor, subject to approval by the City Council. Not less than a majority of the members shall be persons having an ownership or business interest in property located in the Development Area. At least one of the members shall be a resident of the Development Area or of an area within one-half mile of any part of the Development Area. The Board shall elect a chairperson from among its members. Of the members first appointed, an equal number of the members, as near as is practicable, shall be appointed for a term of one year, two years, three years, and four years. After the initial appointment terms, each member appointed in the manner provided by this section shall serve for a term of four years. Before assuming the duties of office, a member shall qualify by taking and subscribing to the constitutional oath of office. A member shall hold office until the member's successor is appointed. An appointment to fill a vacancy shall be made by the mayor for the unexpired term only. After having been given notice and an opportunity to be heard, a member of the Board may be removed for cause by the City Council. Members of the Board shall serve without compensation, but shall be reimbursed for actual and necessary expenses. The Board may adopt bylaws governing its procedures subject to the approval of the City Council
5. Powers of the Authority. The Authority shall possess all of the powers provided by this Resolution and the Act and all powers otherwise provided by law. The enumeration of a power in this Resolution or in the Act shall not be construed as a limitation upon the general powers of the Authority.
6. Fiscal Year. The Authority shall operate on the basis of a fiscal year that corresponds with the fiscal year of the City or such other fiscal year as may be determined by the City Council.
7. Termination of Authority. Upon completion of its purposes, the Authority may be dissolved by the City Council. The property and assets of the Authority, after dissolution and satisfaction of its obligations, shall revert to the City.
8. Publication and Filing. This resolution shall be filed with the secretary of state promptly after its adoption and shall be published at least once in a newspaper of general circulation in the City.
9. Section Headings. The section headings in this Resolution are furnished for convenience of reference only and shall not be considered to be a part of this Resolution.
10. Severability. If any section of this Resolution shall be held invalid the invalidity of such section shall not affect any of the other provisions of this Resolution.
11. Conflict. All resolutions or parts of resolutions are, to the extent of any conflict with this resolution, hereby rescinded.
12. Effective Date. This resolution shall take effect immediately upon its publication.

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

RECORD OF VOTE:

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

RESOLUTION DECLARED ADOPTED.

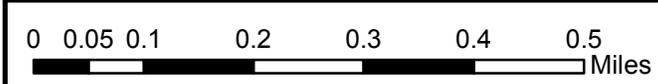
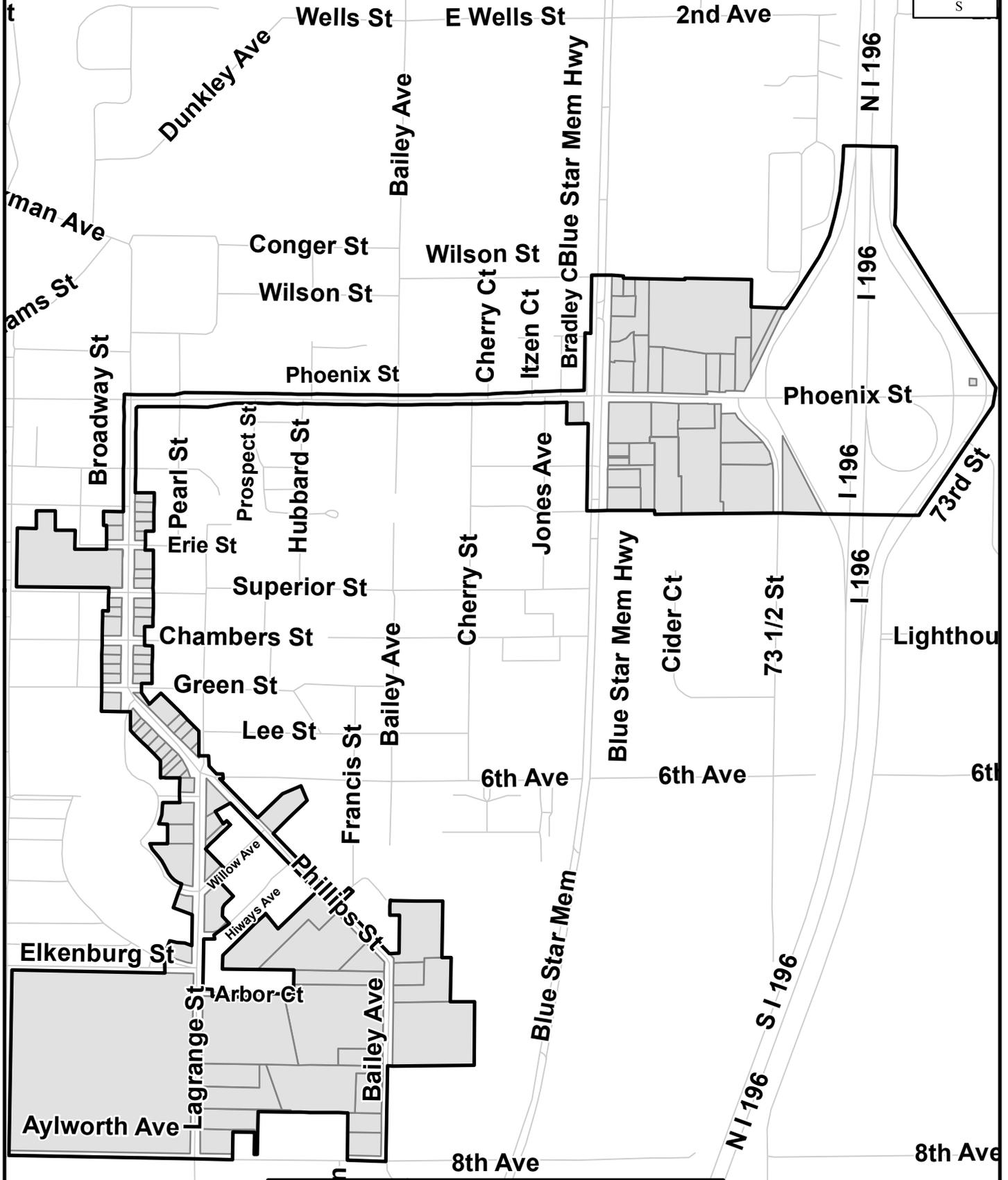
\_\_\_\_\_  
Robert G. Burr, Mayor

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council at a meeting held on the 4<sup>th</sup> day of November, 2013, at which meeting a quorum was present, and that this resolution was ordered to take immediate effect. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 167 of the Public Acts of Michigan 1976 (MCL 15.261 *et seq*).

\_\_\_\_\_  
Amanda Morgan, City Clerk

# Exhibit B: Development Area Boundary Map



3/7/2013



## **Corridor Overlay Zoning District Amendment to the Zoning Ordinance**

**City of South Haven**

### **Background Information:**

The City of South Haven Planning Commission has been working for the past year to develop the attached draft Corridor Overlay Zoning District for the I-196 Business Loop and M-43 corridor ("corridor") within the city limits. This effort was prompted by recommendations and goals included in the 2011 Master Plan update (attached). The proposed ordinance establishes an overlay zoning district intended to enhance the quality and compatibility of commercial development, to establish consistent design guidelines, to encourage the most appropriate use of lands, to promote the safe and efficient movement of traffic and preserve property values along the corridor through the City of South Haven, Michigan.

Overlay zoning creates a special zoning district, placed over existing zoning districts, which identify special provisions in addition to those in the underlying zone. The overlay district may share common boundaries with the underlying zone or cut across zone boundaries. Regulations attached to the overlay district are usually designed to protect a specific resource or guide development within a specific area. In this case, the city intends for the overlay zoning to protect residential neighborhoods adjacent to the nonresidential areas of the corridor and to standardize site amenities such as signage, landscaping and building setback requirements. Overlay zones typically provide for a higher level of regulations than the underlying zone such as landscaping and screening between uses, but may also be used to permit less restrictive standards such as, as in this case, with less restrictive parking requirements.

This proposed ordinance does not and will not apply to any residences or residentially-zoned properties along the corridor.

The proposed ordinance does not have an immediate effect on any existing uses or properties along the corridor. The same businesses and activities permitted now will be permitted under the overlay zoning. The ordinance will only affect properties undergoing redevelopment or major modification. No changes will be required of any business now operating.

### **Public Involvement:**

A public open house was held on July 27, 2013 to provide information to all property owners affected by the amendment. Staff mailed 230 invitations to nonresidential properties within the corridor overlay area. Planning commissioners and the project consultant, Progressive Engineering, were available to answer questions from the public. While only five (5) property owners attended, staff felt the concerns of the attendees were addressed.

One inquiry was received from a resident unable to attend the open house. The resident requested that the planning commission discuss his concern and make a determination on his request. The concern involved the Honor Credit Union, located at 749 Phillips Street, which the resident wanted removed from the overlay zone. His concern was that including the property would encourage future expansion of the use or a replacement use which would be more disruptive to the neighborhood. The planning commissioners discussed the matter and determined "that the reasons given to take it out (of the overlay zone) are the very reasons it should not be taken out". By unanimous consensus, the commission members determined that no nonresidential property should be taken out of the proposed overlay zone.

A public hearing was held on September 5, 2013 after providing notice in accordance with the Michigan Zoning Enabling Act, 2006 PA 110, as amended, MCL 125.3101 *et seq.* (the "MZEA"), and the City of South Haven Zoning Ordinance Staff mailed notices to all the property owners included in the open house mailing as well as nonresidential owners within 300 feet of the corridor. There were no public comments offered at that hearing.

Prior to the public hearing, staff asked the city attorney to review the draft ordinance and provide comments to the staff. Modifications were made to the draft in accordance with the attorney comments.

**Recommendation:**

At the current meeting, City Council members may introduce the zoning ordinance amendment to the public. No action is required at this time unless Council members have concerns with the amendment which need to be directed back to the planning commission for further consideration.

At the next City Council meeting, the members may elect, through a simple majority vote, to adopt the zoning amendment as presented, deny the amendment or adopt the amendment with some modifications. If the amendment is adopted, it will become effective ten (10) days after the City Council vote. A draft ordinance for the amendment is included in this packet.

**Support Material:**

1. Open House invitation
2. Planning Commission minutes of public hearing
3. Planning Commission Resolution of Support
4. Draft Corridor Overlay Amendment with Resolution
5. Draft Zoning Areas Map
6. Master Plan Policies and Recommendations in support of the Overlay Zone

Respectfully submitted,  
Linda Anderson  
Zoning Administrator



# City of South Haven

City Hall • 539 Phoenix Street • South Haven, Michigan 49090-1499  
Telephone (269) 637-0760 • [landerson@south-haven.com](mailto:landerson@south-haven.com)

July 2, 2013

Good Morning,

The City of South Haven is considering the adoption of a Corridor Overlay Zoning District for the I-196 Business Loop and M-43 within the city limits of South Haven. The proposed ordinance establishes an overlay zoning district intended to enhance the quality and compatibility of commercial development, to establish consistent design guidelines, to encourage the most appropriate use of lands, to promote the safe and efficient movement of traffic and preserve property values along the M-43/I-196 Business Loop through the City of South Haven, Michigan.

Specifically the Overlay Zone is intended to:

1. Accommodate a variety of uses as permitted by the underlying zoning and ensure such uses are designed to achieve an attractive built and natural environment.
2. Provide site design standards that are developed specifically for the areas in order to promote harmonious development and complement the natural characteristics in the City.
3. Ensure safe access for vehicles and pedestrians.
4. Provide landowners with reasonable and safe access via the use of shared driveways, service drives, and access from side streets.
5. Require demonstration that prior to approval of any land divisions, the resultant parcels is accessible through compliance with the access standards herein.
6. Ensure that distractions to motorists are minimized by avoiding blight and clutter while providing property owners and businesses with appropriate design flexibility and visibility.
7. Establish uniform standards to ensure fair and equal application.
8. Address situations where existing development within the Overlay Zone does not conform to the standards of this chapter.
9. As development continues, it is the intent of the city to provide regulations which protect the adjacent residential properties.

**This proposed ordinance does not and will not affect any residences or residentially-zoned properties along the corridor.**

**The proposed ordinance does not have an immediate effect on any existing uses or properties along the corridor. The same businesses and activities permitted now will be permitted under the overlay zoning. The ordinance will affect properties undergoing redevelopment or major modification. No changes will be required of any business now operating.**

With this letter we invite you to an **informational open house** on Thursday, July 25 from 5:30 to 7:00 p.m. in Council Chambers, South Haven City Hall, 539 Phoenix Street, South Haven. This will be an informal meeting where you will learn more about the overlay zoning and ask any related questions you may have.

For more information or to review a copy of the complete proposed ordinance and map, please contact Zoning Administrator Linda Anderson at [landerson@south-haven.com](mailto:landerson@south-haven.com) or 269-637-0760 with any questions.

## Planning Commission

### Regular Meeting Minutes (Excerpt) Thursday, September 5, 2013 7:00 p.m., Council Chambers



City of South Haven

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

#### 2. Roll Call

Present: Frost, Smith, Wall, Webb, Peterson, Paull  
Absent: Heinig, Miles

Motion by Smith, second by Frost to excuse members Heinig and Miles.

All in favor. Motion carried.

Paull asked new member Peterson to introduce himself.

#### 3. New Business

##### A. PUBLIC HEARING – ZONING ORDINANCE AMENDMENT

**A public hearing to receive comments regarding the adoption of a Corridor Overlay Zoning District for the I-196 Business Loop and M-43 within the city limits of South Haven. The proposed ordinance establishes an overlay zoning district intended to enhance the quality and compatibility of commercial development, to establish consistent design guidelines, to encourage the most appropriate use of lands, to promote the safe and efficient movement of traffic and preserve property values along the M-43/I-196 Business Loop.**

Motion by Smith, second by Wall to open the public hearing.

All in favor. Motion carried.

Paull requested that Anderson explain the amendment.

Smith requested a point of order, noting that he has two pieces of property in the area we will be discussing. Smith's question was whether he should recuse himself from any discussion or motions on this situation.

Anderson explained that, no, the way a corridor overlay zoning district is set up there is no immediate property value change to your property. Anderson stated that she would find it hard to excuse Smith from this discussion.

Anderson gave an overview, for the benefit of new people who have not been here for this whole process, about what overlay zoning is, and how it affects what we have in the city now. Anderson explained what zoning is and what types of zones the city consists of. Within each zone, the Zoning Ordinance needs to explain very clearly what uses are allowed, what special uses are available, what the setbacks distances are. Each zoning district is different depending on a number of factors.

Anderson noted that an overlay zone adds another layer of zoning on top of the existing zoning. An overlay zone generally affects an area of properties which all have something in common. When looking at an overlay zone, the underlying zoning remains the same. There are still the same uses and special uses. An overlay zone provides some standardization of regulations within a specific area.

Anderson displayed a map and explained that when the Master Plan was adopted in 2011, one of the goals for the Planning Commission was to develop an overlay zone which would apply standardization from the interchange near the new Meijers store and Phoenix Square over to the downtown through the main business corridor. Zoning was the same for both areas which are very different. The Planning Commission is also interested in making a more pleasant entrance to the city, both from the entrance from the Meijers/Phoenix Square interchange and southern entrances.

Anderson noted that in looking at the total area, it quickly became apparent that there are three distinct areas in the portion of the city being considered for the overlay. Using the map, Anderson pointed out Areas A, B and C, noting that there is a small additional area of Area C on Blue Star Highway across from the Walgreens.

Anderson explained that in looking at the target area, five different zoning districts are included. Progressive Engineering was contracted to look at the areas, take pictures of areas they considered to be problematic, and coming up with graphics and ideas which were used by a sub-committee of the Planning Commission during several months of work.

One of the things that is important about this amendment, Anderson pointed out, is that if this amendment were approved and went into effect tomorrow, nothing would change. Changes only occur to any of the included areas when there is a major renovation or a tear-down. Anderson also noted that in the amendment there is a chart that indicates at what point these requirements are triggered. If a business takes down a sign, the new sign would have to comply. If the business made an addition to their building, that addition would have to comply. If a business tore up a parking lot, the new parking lot and landscaping would have to comply with the overlay zone. Anderson clearly explained that a change of use does not trigger compliance with the overlay zone, nor does a change of ownership. The overlay zoning is only triggered when a major renovation or change to the building occurs, at which time changes must come into compliance. Anderson noted that not every change requires full compliance; there are many different levels of compliance.

Anderson noted that the majority of the changes are modifications; some don't require much at all while others require a bit more. One of the changes is that monument signs have been add to the area near the Meijers interchange. A monument sign is a larger ground sign, according to Anderson, and the overlay zone allows for a somewhat larger monument sign if it matches the exterior of the building. Pole signs in that area, particularly around Wal-Mart, must be lowered to twenty-five (25) feet from the present thirty-five (35) feet, Anderson noted, just as an example.

In the southern areas where residences often abut the business uses, pole signs will not be allowed; more landscaping is required near back lot lines and other small changes that will protect the residential areas.

Anderson also explained the changes that would be implemented regarding parking if this amendment is approved.

Paull called for questions or comments from the Commissioners and the audience. There were none.

Motion by Wall, second by Scott to close the public hearing.

All in favor. Motion carried.

Paull requested any comments from Commissioners; hearing none, Paull explained that if the Commission feels this amendment is complete, it could recommend this be forwarded to City Council for approval. If the Commission feels it is incomplete or needs more work, it could be delayed until any questionable areas are addressed.

Wall stated she feels it is ready to go to Council; Smith concurred. Paull stated he would entertain a motion.

Motion by Wall, second by Smith to recommend this amendment to City Council for approval.

All in favor. Motion carried.

Paull remarked that the next step will be for this amendment to go before City Council and asked what the procedure would be.

Anderson explained that City Council is required to have two readings. During the first reading, the introduction, any comments or changes may be introduced by City Council. At the second reading, they could approve it or the Council could send it back to the Planning Commission if they feel there are things that need to be changed or studied further.

**PLANNING COMMISSION  
CITY OF SOUTH HAVEN**  
Van Buren and Allegan Counties, Michigan

Commissioner Wall, supported by Commissioner Smith, moved the adoption of the following resolution:

**PC RESOLUTION 2013- 0004**

**RESOLUTION APPROVING AND RECOMMENDING CITY COUNCIL  
APPROVAL OF THE ADOPTION OF A ZONING CORRIDOR OVERLAY  
DISTRICT FOR THE M-43/I-196 BUSINESS LOOP THROUGH THE CITY  
("CORRIDOR")**

Whereas, the City of South Haven, Michigan desires to enhance the quality and compatibility of development, establish consistent design guidelines, encourage the most appropriate use of adjacent lands, promote the safe and efficient movement of traffic and preserve property values along the M-43/I-196 Business Loop corridor through the city, and

Whereas, the City of South Haven Planning Commission drafted a Corridor Overlay zoning district to address those desires, and

Whereas, on July 27, 2013, the Planning Commission hosted an open house for all affected property owners along the Corridor, and

Whereas, after providing notice in accordance with the Michigan Zoning Enabling Act, 2006 PA 110, as amended, MCL 125.3101 *et seq.* (the "MZEA"), and the City of South Haven Zoning Ordinance, the Planning Commission held a public hearing on September 5, 2013, to receive and consider public comment on the above stated zoning ordinance amendment, and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. After hearing comments received at both the open house and the public hearing, in relation to the proposed Corridor Overlay Zone, pursuant to and in accordance with the MZEA and the factors and criteria provided by Section 2501 of the South Haven Zoning Ordinance, the Planning Commission makes the following finding:

The Planning Commission determines that the adoption of the Zoning Corridor Overlay District For The M-43/I-196 Business Loop through the City is consistent with the City of South Haven Master Plan (2011) and that the proposed text will satisfy the recommendations of the Master Plan and will enhance the character and safety along the Corridor.

2. The Planning Commission approves of the zoning ordinance amendment as submitted, (Case No. 2013-0019-REZ) and recommends that the City Council adopt the amendment.

3. All resolutions and parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

YEAS: Commissioners: Frost, Smith, Wall, Webb, Peterson, Paull

ABSENT: Heinig, Miles

NAYS: Commissioners: None

**RESOLUTION DECLARED ADOPTED.**

CERTIFICATION

As its Recording Secretary, I certify that this is a true and complete copy of a resolution adopted by the Planning Commission of the City of South Haven, Van Buren and Allegan Counties, Michigan, at a meeting held on September 5, 2013.

Date: September 6, 2013

  
Marsha Ransom  
Marsha Ransom, Recording Secretary

**CITY COUNCIL  
CITY OF SOUTH HAVEN**  
Van Buren and Allegan Counties, Michigan

Council member \_\_\_\_\_, supported by Council member \_\_\_\_\_,  
moved the adoption of the following ordinance:

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

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE FOR THE  
CITY OF SOUTH HAVEN TO INCLUDE OVERLAY PROVISIONS FOR  
THE M-43/I-196 BUSINESS LOOP**

The City of South Haven Ordains:

SECTION 1. AMENDMENT. Article XXIV, "M-43/I-196 Business Loop Corridor Overlay Zoning District" sections 2400 through 2410, is added to the South Haven Zoning Ordinance to read as follows:

**ARTICLE XXIV**

**M-43/I-196 BUSINESS LOOP CORRIDOR OVERLAY ZONING DISTRICT**

**SECTION 2400. INTENT**

1. The M-43/I-196 Business Loop Corridor Overlay Zoning District (the "Corridor Overlay Zone") is established to enhance the quality and compatibility of development, to establish consistent design guidelines, to encourage the most appropriate use of lands, to promote the safe and efficient movement of traffic and preserve property values along the M-43/I-196 Business Loop through the City of South Haven, Michigan.

Specifically the Corridor Overlay Zone is intended to:

- a. Accommodate a variety of uses as permitted by the underlying zoning, and ensure such uses are designed to achieve an attractive built and natural environment.
- b. Provide site design standards that are developed specifically for the areas in order to promote harmonious development and complement the natural characteristics in the City.
- c. Ensure safe access for vehicles and pedestrians.
- d. Provide landowners with reasonable and safe access via the use of shared driveways, service drives, and access from side streets.
- e. Require demonstration that prior to approval of any land divisions, the resultant parcel is accessible through compliance with the access standards herein.
- f. Ensure that distractions to motorists are minimized by avoiding blight and clutter while providing property owners and businesses with appropriate design flexibility and visibility.

- g. Establish uniform standards to ensure fair and equal application.
  - h. Address situations where existing development within the Corridor Overlay Zone does not conform to the standards of this chapter.
  - i. As development continues, it is the intent of the city to provide regulations which protect the adjacent residential properties.
2. In order to accommodate the varying characteristics found along M-43 and I-196 in the city, this zoning overlay district is divided into three (3) Areas.
- a. **Area A** includes the B-4 zoned parcels along Phoenix Street from the I-196 Interchange west to Blue Star Highway. These areas are characterized as accommodating highway oriented businesses. It is anticipated that large retailers and those needing highway access will continue to be drawn to these areas. (See Figures 1 and 2 regarding general site design intent for Area A.)

Figure 1

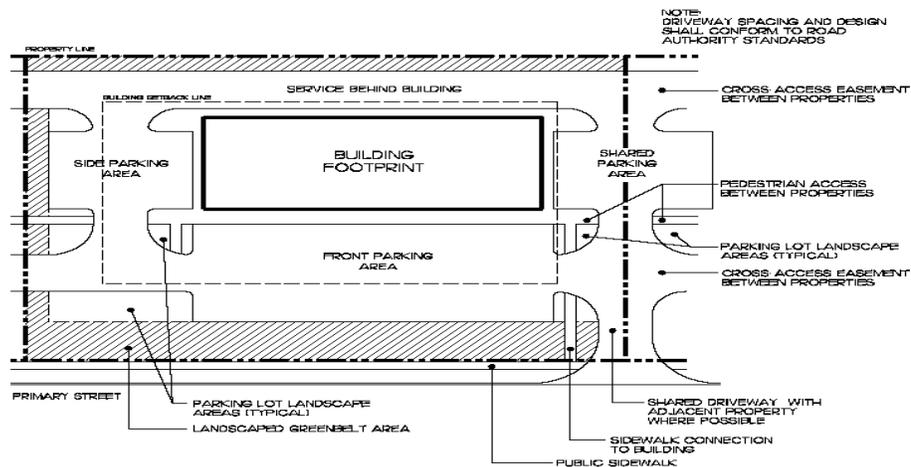
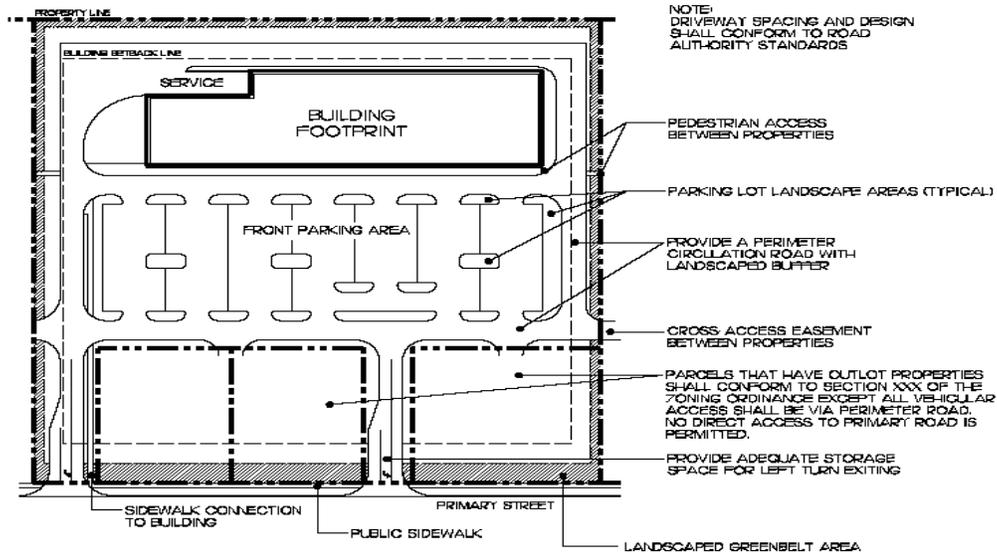
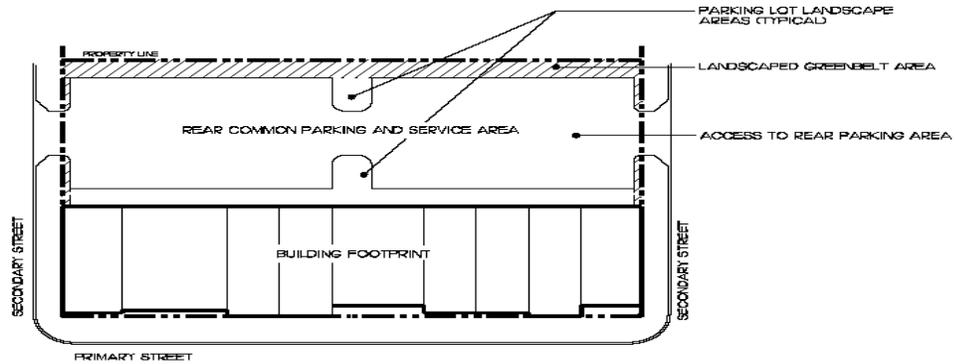


Figure 2



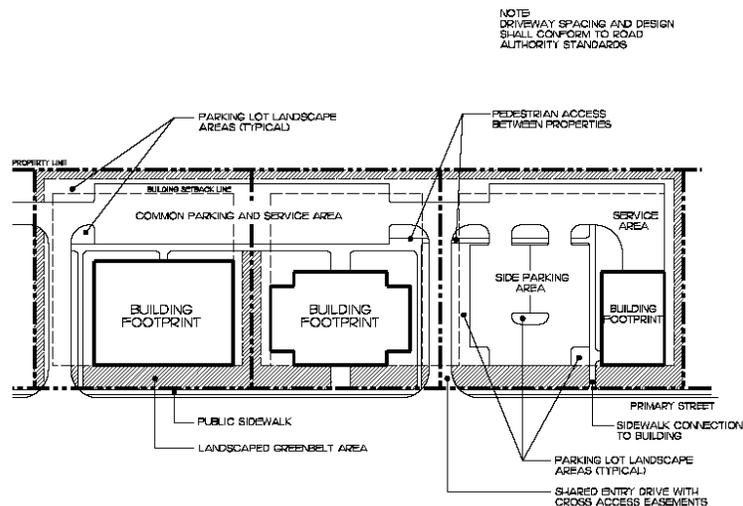
- b. **Area B** includes the non-single family residential (CBD, B-2 and RM-1) parcels from the Phoenix Street and Pearl Street intersection west to Broadway Street and south along Broadway to Superior Street. The area provides for compact development similar to that found in the Central Business District. Walkability and nonmotorized access to this area is critical. (See Figure 3 regarding general site design intent for Area B.)

Figure 3



- c. **Area C** comprises the remainder of the corridor overlay properties including those properties zoned B-2 adjacent to Broadway Street from Superior south to LaGrange, Phillips and Bailey Streets to Aylworth Avenue. Also included are properties along the west side of Blue Star Highway south from Phoenix Street to Superior Street. This is generally an area which is developing with a large number of medical and professional services. The scale of new development and the transportation orientation of this Area are important factors in establishing the site development requirements contained in this Article. (See Figure 4 regarding general site design intent for Area C.)

Figure 4



3. The overlay zoning map graphically depicts the boundaries of the Corridor Overlay Zone.

#### **SECTION 2401. APPLICABILITY**

1. Except as otherwise provided in this Section, the regulations herein apply to all existing or future parcels directly adjacent to or having access on the M-43/I-196 Highway corridor through the City of South Haven, as identified on the overlay zoning map.
2. Single-family dwellings are exempt from these Corridor Overlay Zone regulations, unless the dwelling is later changed to a nonresidential use as permitted in the underlying zone.
3. Where the standards of this Corridor Overlay Zone are more restrictive, as determined by the Zoning Administrator, such standards supersede and replace those that apply to the underlying zoning district. For example, if the underlying zoning district illustrated on the City Zoning Map is B-2, the uses listed as permitted in Section 901 of this chapter are permitted for that lot, but the access, landscaping, setbacks, freestanding signs and building facade must comply with this Corridor Overlay Zone.
4. Proposed planned unit developments (PUD) within the Corridor Overlay Zone shall generally be consistent with the standards herein, but may be modified by the planning commission based upon the requirements and criteria for PUDs located in this chapter and the specifics of the particular site and proposed use(s).

#### **SECTION 2402. APPLICABILITY MATRIX**

The standards described or referenced in this article apply to both new and existing development as listed or exempted in the following table for all parcels in the Corridor Overlay Zone. All development in the Corridor Overlay Zone shall require full compliance with all applicable regulations including reviews, approvals, and permits from the planning commission prior to the start of any project or land disturbance.

Figure 5  
Applicability Matrix

	LANDSCAPING/SIGN IMPROVEMENTS	FASCADE IMPROVEMENTS	DISCRETIONARY IMPROVEMENTS*	FULL COMPLIANCE
	<b>Parking Area Expansion (5% or greater increase in spaces)</b>			
Any New or Expanded Parking Area	X		X	
	<b>Existing Development</b>			
Change in Use – Minor**	X		X	
Change in Use – Major***	X	X	X	
Reoccupation of Principal Building after Extended Vacancy (Greater than 180 consecutive days)	X		X	
Alteration of Existing Principal Building (When site plan review is required and/or the alteration involves a building increase over 20% of the existing building size)	X	X (for expanded portion)	X	
Renovation Due to Disaster (fire, flood, tornado, etc.)		X		
	<b>New Construction</b>			
New Construction (Including tear down redevelopments of 60% or more of existing structure)	X	X		X

\* The planning commission may have discretion in required improvements based upon the circumstances of the property. In determining whether to impose discretionary improvements of the Corridor Overlay Zone, the planning commission shall determine whether those improvements are reasonably necessary to ensure compliance with the standards of Section 1502 of this chapter for Special Land Uses.

\*\* A minor change in use occurs when one permitted land use is replaced by a different permitted land use.

\*\*\* A major change in use occurs when one permitted land use is replaced by a special land use, a special land use is replaced by a different special land use, or the property is rezoned to allow for a different permitted or special land use.

**X** = Compliance with regulations required.

No **X** = Compliance not required.

### **SECTION 2403. PERMITTED AND SPECIAL USES**

1. Permitted and special land uses within the Overlay Zone shall be as regulated in the underlying zoning district (as designated on the Zoning Map) with the following additional provisions:
  - a. To ensure adequate information is provided to evaluate the impact on traffic operations, any permitted use that can be expected to generate 50 peak hour directional trips or 100 peak hour trips (in and out) or 1000 trips during a typical day shall be classified as a special land use. Calculations of trips shall be based on the most recent edition of Trip Generation published by the Institute of Transportation Engineers. The applicant shall be responsible for providing the traffic calculations for review. Where no information is provided, the City shall make the determination. (A guideline that lists typical sizes for various uses where the thresholds are met is available from the zoning administrator.)
  - b. Any site that provides more than the minimum parking required shall be considered a special land use in this chapter.
  - c. The use and site design shall comply with the standards of this section and other applicable regulations of the Corridor Overlay Zone.
  - d. Outdoor cafes and outdoor seating shall be allowed by special use permit in Area B subject to Section 1502 and 1510.34 of this chapter as applicable. Outdoor seating encroaching on public property shall be subject to obtaining a license agreement from city council.
  - e. For special land uses, the following standards shall be considered along with those listed in Section 1502 of this chapter:
    - I. The building and site design will be designed to promote consistency and quality of development within the Corridor Overlay Zone.
    - II. Access spacing from intersections, other driveways, and any median crossovers will meet the standards within the Overlay Zone and will meet

the standards of the applicable road agency (MDOT or the Van Buren County Road Commission), and will be the maximum practical.

- III. Where shared access is proposed or required, provision will be made to share access with adjacent uses, either now or in the future, and shall include written shared access and maintenance agreements to be recorded with the Van Buren County Register of Deeds.
- IV. Traffic impacts associated with the proposed use will be accommodated by the road system without degradation in the level of service<sup>1</sup> below one grade (example from B to C) but in no case shall any movement(s) be projected at a level of service below D, unless improvements are being made to address the impacts.

#### **SECTION 2404. SUBMITTAL INFORMATION**

In addition to the submittal information required for site plan review in Section 1405 of this chapter, the following shall be provided with any application for site plan or special land use review. Additionally, the information listed in items 1-4 below shall be required with any request for a land division.

1. Existing access points within 500 feet of the frontage, on both sides of any adjoining roads, shall be shown on the site plan or on a separate plan sheet.
2. Information on sight distance. The applicant shall submit evidence indicating that the sight distance requirements of the MDOT or Van Buren County Road Commission, as applicable, are met.
3. Dimensions between proposed and existing drives, intersections, and any median crossovers shall be shown.
4. Where shared access is proposed or required, a shared access easement and maintenance agreement shall be submitted for approval. Once approved, this easement shall be recorded with the Van Buren County Register of Deeds.
5. The site plan shall illustrate the route and dimensioned turning movements of any expected truck traffic, tankers, delivery vehicles, waste receptacle vehicles and similar vehicles. The plan should confirm that routing the vehicles will not disrupt operations at the access points nor impede maneuvering or parking within the site. All ingress and egress shall be by forward movement unless waived by the planning commission based on lot size.
6. Traffic impact study. Submittal of a traffic impact study may be required for any special land use that would be expected to generate 100 or more vehicle trips during any peak hour, or 1000 or more vehicle trips daily, or where modifications from the generally applicable access spacing standards are requested. The traffic impact study shall be prepared by a firm or individual that is a member of the Institute of Transportation Engineers with demonstrated experience in production of such studies. The methodology and analysis of the study shall be in accordance with accepted principles as described in the handbook "Evaluating

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<sup>1</sup> As established by the Transportation Research Board, Washington DC.

Traffic Impact Studies, a Recommended Practice for Michigan,” developed by the MDOT and other Michigan transportation agencies.

7. Review coordination. The applicant shall provide correspondence that the proposal has been submitted to the MDOT or Van Buren County Road Commission (“VBCRC”), as applicable, for their information. Any correspondence from the MDOT and VBCRC shall be considered during the site plan review process. The City may request attendance at coordination meetings with representatives of the applicable road agency. An access permit shall not be requested from the road agency until a land division or site plan is approved by the City. The approval of a land division or site plan does not negate the responsibility of an applicant to subsequently secure access permits from the road agency.
8. Building elevations. Elevation drawings shall be submitted illustrating the building design and height, and describing construction materials for all proposed structures. Elevations shall be provided for all sides visible from an existing or proposed public street or visible to a residential district. Color renderings of the building shall be submitted for planning commission review and approval. Proposed materials and colors shall be specified on the plan and color chips or samples shall also be provided at the time of site plan review. These elevations, colors and materials shall be considered part of the approved site plan.
9. Sign Design Details. Information shall be given on all proposed signs, including details on the base materials and sign materials, and on landscaping around the base. Material used for all proposed signs (whether freestanding or ground) is acceptable only if found by the planning commission to be similar to or at least compatible with materials used for the principal building on the lot where the signs are located.
10. Parking Information. A parking study shall be required wherever requested parking or paved areas exceed the minimum required by this chapter.

## **SECTION 2405. DIMENSIONAL STANDARDS**

1. General
  - a. Variable front and rear setback. Upon written request, the planning commission may reduce the required front and rear yard setback by up to 10 feet for the greenbelt and up to 10 feet for the building from that required along the corridor frontage upon a finding that the reduced setback is due to lot depth.
    - I. Front Yard Setback.
      - Area A - Buildings shall be set back a minimum of 50 feet from the right-of-way.
      - Area B – As provided in zoning ordinance Section 603.
      - Area C – Buildings shall be set back a minimum of 25 feet from the right-of-way.
    - II. Side Yard Setback.

- Area A – 30 feet
- Area B – Per zoning ordinance section 603.
- Area C – 20 feet

III. Rear Yard Setback.

- Area A – 30 feet if abutting commercial zone; 50 feet if abutting residential zone.
- Area B – Per zoning ordinance section 603.
- Area C – Buildings shall be setback at least 25 feet from the rear lot line.

## **SECTION 2406. LANDSCAPING, PARKING AND OVERALL SITE DESIGN**

Design elements shall comply with the applicable regulations in the article, with the following additional requirements.

1. Front yard greenbelt.

- a. Area A – A minimum 25 foot greenbelt is required. Plantings shall include a minimum of two (2) shade trees and three (3) ornamental trees for every one hundred (100) linear feet of lot frontage. The number of plants required shall be proportional to the frontage, with fractions rounded up. Plant materials may be clustered. Additional landscaping is encouraged. A mixture of ornamental and shade trees is encouraged. The planning commission may allow a reduction in the number or a variation in the mixture of the tree types. Identification signs may be placed in this greenbelt area.
- b. Area B - As required in Section 1709 of this chapter with the addition of a five (5) foot wide greenbelt consisting of evergreen and ornamental shrubs with a mature height of four (4) feet when the parking lot abuts a public right-of-way.
- c. Area C - A minimum twenty-five (25) foot greenbelt is required. Plantings shall include a minimum of two (2) shade trees and three (3) ornamental trees for every one hundred (100) linear feet of lot frontage. The number of plants shall be proportional to the length of frontage, with fractions rounded up. Plant materials may be clustered. Additional landscaping is encouraged. The planning commission may allow a reduction in the number or a variation in the mixture of the tree types. Identification signs may be placed in this greenbelt area.

2. Side yard greenbelt

a. General

- I. A minimum of forty (40) percent of the required trees shall be deciduous canopy trees, except columnar trees or other vegetation if recommended by the City arborist, may be used in areas with existing overhead utilities;
- II. The minimum width of the side greenbelt is 10 feet, and

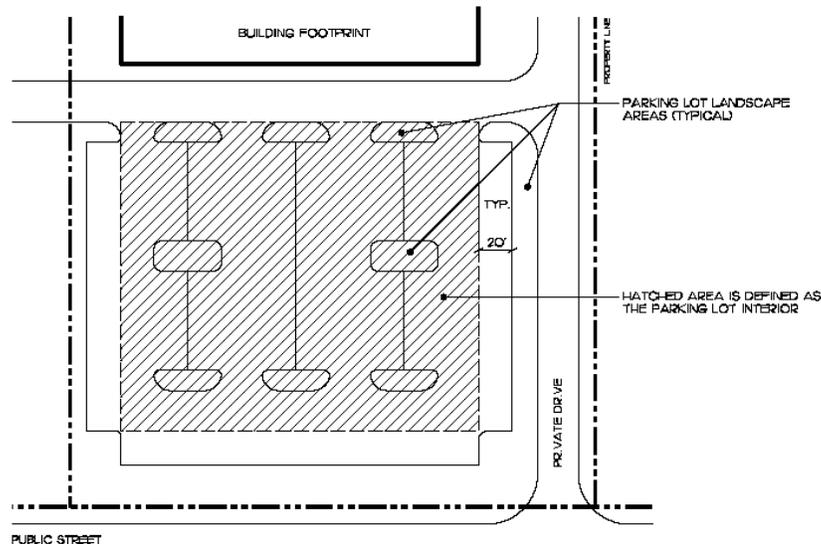
- III. At least fifty (50) percent of the required trees shall be of an evergreen variety.
  - b. Area A – As required in Section 1709-1 of this chapter. Landscaping shall be provided along walls to reduce the visual impact of building mass as viewed from the street or along the property line subject to Section 1709.2a of this chapter.
  - c. Area B – As provided in Section 1709-1 of this chapter
  - d. Area C - As required in Section 1709-1 of this chapter. Landscaping shall be provided along walls to reduce the visual impact of building mass as viewed from the street or along the property line subject to Section 1709.2a of this chapter.
3. Rear yard greenbelt
- a. General
    - I. A minimum of forty (40) percent of the required trees shall be deciduous canopy trees, except columnar trees or other vegetation if recommended by the City arborist, may be used in areas with existing overhead utilities;
    - II. The minimum width of the rear yard greenbelt shall be 10 feet;
    - III. At least fifty (50) percent of the required trees shall be of an evergreen variety; and
    - IV. At least seventy five (75) percent of all shrubs shall be evergreen or a dense variety of deciduous bush that provides year-round screening.
  - b. Area A – As required in Section 1709-1 of this chapter.
  - c. Area B – When abutting residences in this area, both fence and landscaping will be required unless waived by the planning commission based on depth and opacity of existing vegetation.
  - d. Area C - When abutting residences in this Area, both fence and landscaping will be required unless waived by the planning commission based on level and opacity of existing vegetation.

### General Standards

1. The overall design, particularly along the corridor frontage, shall promote the impression of a well-tended landscape.
2. Where practical, existing trees that are in good health and above three inches in caliper along the frontage shall be preserved.
3. Retention, detention and the overall stormwater system shall be designed to use “best management practices” and create the appearance of a natural pond or feature including gentle (5:1) or varying side slopes, irregular shapes, water tolerant grasses and seed mixes at the bottom of the pond/basin; appropriate flowers, shrubs and grasses along the banks based on environment (wet, dry, sedimentation basin v. pond) to improve views, filter runoff and enhance wildlife habitat. This requirement may be waived by the planning commission at the recommendation of the city engineer.

4. For all parking areas that accommodate ten (10) cars or more, the following shall apply:
  - a. Plant material shall be calculated per section 1709.3 of this chapter. Additionally, each landscape feature shall be planted with a minimum of one (1) canopy tree and ground cover and/or grass and will be protected by raised concrete or asphalt curbing.
  - b. Landscape islands shall be calculated on the basis of one (1) landscape island for every ten (10) parking spaces. Landscape islands may be aggregated.
  - c. Landscape islands shall be a minimum of one hundred sixty (160) square feet and a minimum of nine (9) feet wide. Each island should be planted at least three (3) feet from the edge of the island.
  - d. Landscaped islands shall be curbed.
  - e. Landscape features including end islands, peninsulas, and strips shall be installed in the interior of parking lots to delineate on-site circulation, ensure adequate sight distance at the intersection of aisles and interior roadways, and to prevent diagonal vehicular movement through parking lots. Features shall be designed with sufficient radii to ensure drivers are able to make 90 degree right turns without encroaching upon landscaping or adjacent traffic lanes.
  - f. The planning commission may reduce the number of required landscape islands if it finds that adequate relief and shade is provided by other plantings in and around the parking area.
5. At least 40% of the required parking lot landscaping shall be within the interior of the parking lot, not on the edges. Islands shall be located to improve traffic flow and views. Details on islands shall be provided including radii, length two feet shorter than parking space depth, trees, ground cover and any lighting or irrigation in accordance with zoning ordinance section 1709-3a. (See Figure 6 for limits of parking lot interior.)

Figure 6



6. To improve views and reduce impacts on the environment, the amount of parking constructed shall be less than what is typically required for commercial uses as follows: Parking shall be provided at a rate of one space per 200 square feet of useable floor area, unless a parking study demonstrates the need for additional parking to the satisfaction of the planning commission.
7. As a means of avoiding greater amounts of parking spaces and impermeable surface than are reasonably needed to serve a particular use while still ensuring site adequacy, the planning commission may allow deferred construction of some required spaces for any non-residential use if the following conditions are satisfied:
  - a. The applicant submits a site plan including the design and layout of all required parking areas including areas proposed for deferred parking. Such deferred parking area shall not include areas required for setbacks, landscaping or greenspace or land otherwise unsuitable for parking due to environmental or physical conditions.
  - b. The applicant demonstrates, to the satisfaction of the planning commission, that a reduced number of parking spaces will meet the parking needs due to the nature, size, density, location or design of the proposed development. Pedestrian access and use may be considered.
  - c. At any time subsequent to approval, the applicant or city may require the construction of additional parking spaces based on review of the parking needs by the planning commission.
  - d. Any other factors reasonably related to the need for parking for the proposed development as determined by the planning commission.

8. Loading and service bay doors shall not face a public street. Such doors shall be in the rear of the site. Where this is not practical, location on the side may be permitted provided additional walls and landscaping are provided, and/or such areas are recessed, to minimize the negative visual impact.
9. Any proposed fence must be shown on the site plan, including details on materials and color. Fences shall be durable and decorative in nature.
10. Chain link fences shall only be approved for a location not generally visible to the public or neighboring dwelling units. Chain link fencing is not acceptable for screening purposes. Any visible segments of fence will be vinyl coated with additional landscaping provided to screen the view.
11. Non-motorized Trails and Sidewalks. Where the site directly abuts an existing public trail or sidewalk, or is along a segment where a trail or sidewalk within the public right-of-way is proposed by the City and documented in a plan approved by the city a similar trail or sidewalk shall be constructed, in accordance with city ordinances and specifications, along the frontage within the public right-of-way. The planning commission may also require internal safety paths during the site plan review process.
12. Interior Sidewalks. Interior sidewalks shall be constructed, in accordance with city ordinances and specifications, to access buildings in the most efficient location for barrier free access.

#### **SECTION 2407. COMMERCIAL, OFFICE AND INSTITUTIONAL EXTERIORS**

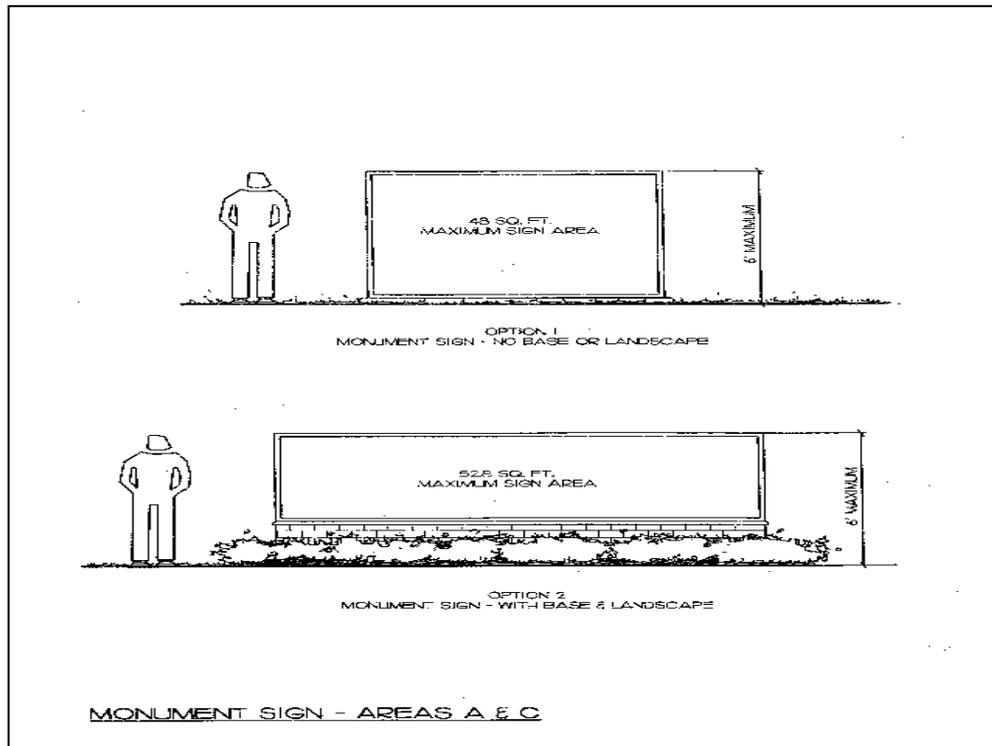
1. The applicant and the applicant's design professionals are encouraged to submit or present design concepts and alternatives at a study session with the planning commission to receive comments on compliance with the guidelines prior to preparation of detailed design drawings. This can include sketches, photographs or other graphic materials.
2. Commercial, office, and institutional building facades shall be reviewed by the planning commission as a part of site plan review under the following criteria:
  - a. Front building facades shall provide a minimum 30% glass windows in Areas A and C and a minimum of 60% glass windows in Area B on the first floor between two (2) and eight (8) feet above the sidewalk but shall not exceed 80% glass overall. Calculations are exclusive of the roof area.
  - b. Florescent colors will not be permitted in any capacity on the site.
  - c. Subtle colors shall be used for roofing material. Metal roofs shall only be permitted if compatible with the overall character of the building.
  - d. Buildings, ground signs and freestanding signs shall be of the same design character and material as the primary structure. The signs shall provide design features, details, or ornaments similar to the primary building.

- e. Building walls over 30 feet in length shall be broken up with items such as varying rooflines, varying building lines, recesses, projections, wall insets, windows, design accents and/or bands of complementary building materials.
- f. Building entrances shall utilize windows, canopies, and/or awnings; provide unity of scale, texture, and color; and provide a sense of place. Outward swinging doors shall not intrude into the ROW and shall be recessed when necessary.
- g. Rooftop equipment shall be illustrated on the plans, and shall be screened from view by parapet walls or other design elements that complement the overall building design.
- h. Building rear and side facades shall be constructed to a finished quality comparable to the front facade where visible to a public street or residential district or use.
- i. Any interior play place associated with a restaurant or lodging facility shall be designed in accordance with the above standards.
- j. Overhead canopies for gas stations or other uses shall be designed to be compatible with the design characteristics of the principal building such as peaked roofs, shingles, support structures that match or simulate materials of the principal building, lighting fixtures shall be full cutoff and fully recessed into the canopy which shall be designed in neutral colors.
- k. Neon lights, excluding signage, is prohibited

#### **SECTION 2408. SIGNS**

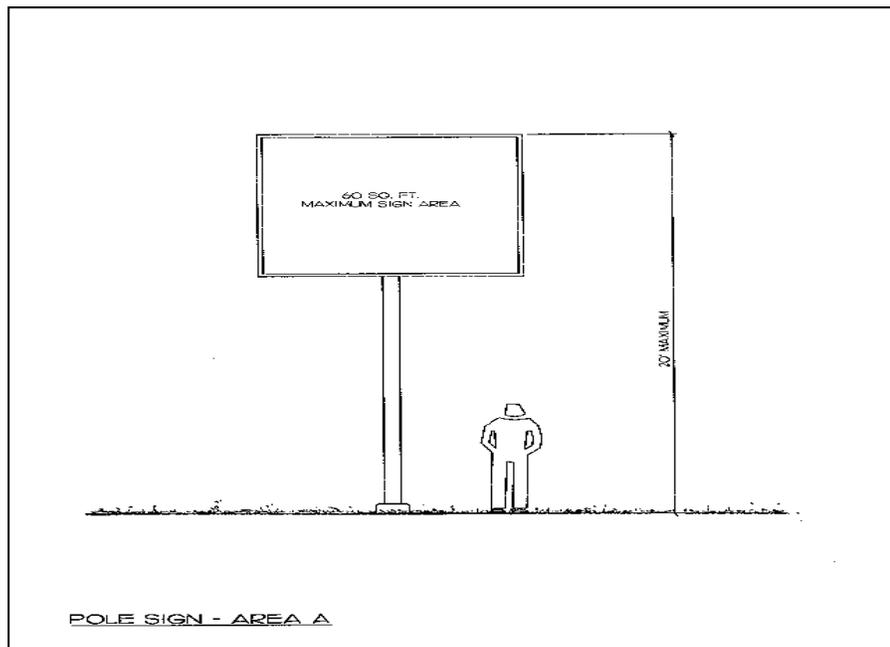
- 1. Area A – As permitted in Section 2008-3 of this chapter except:
  - a. Monument signs may not exceed six (6) feet in height and 48 square feet in area. (See Figure 7, Option 1)

Figure 7



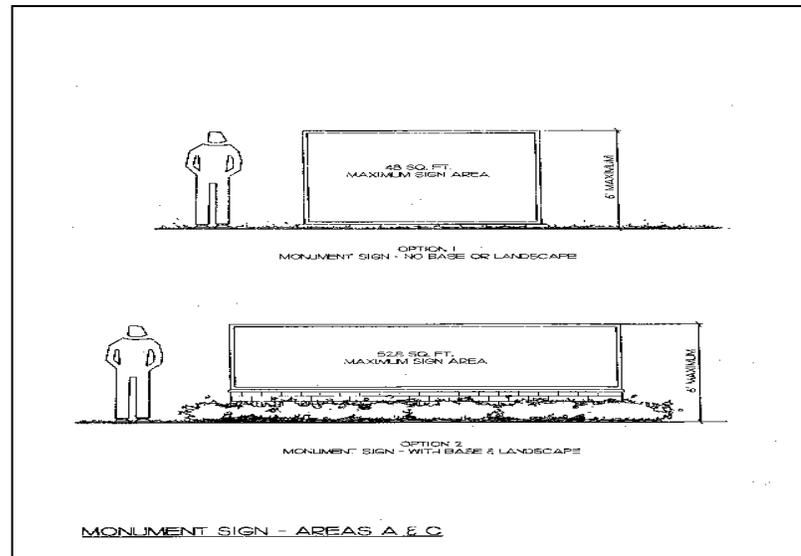
- b. If a monument sign is provided, the size of the sign may be increased 10% above that otherwise permitted if the sign base materials match the building, and foundation plantings are provided around the sign base. (See Figure 7, Option 2)
- c. Pole signs may not exceed 20 feet in height. (See Figure 8)

Figure 8



- d. Pole sign area shall be calculated as one (1) square foot for each foot of front setback plus one (1) square foot for each linear foot of lot frontage. Sign area shall not exceed 60 square feet.
2. Area B - As permitted in Section 2008-2.
3. Area C - As required in Section 2008-3 except as provided herein:
4. Monument signs may not exceed six (6) feet in height and 48 square feet in area. (See Figure 9, Option 1)
5. If a monument sign is provided, the size of the sign may be increased 10% above that otherwise permitted if the sign base materials match the building, and foundation plantings are provided around the sign base. (See Figure 9, Option 2)

Figure 9



6. Pole signs are not permitted.

## **SECTION 2410. APPEALS**

Appeals to this Article shall be in accordance with the requirements of Sections 1410 and 1505 of this chapter.

## **SECTION 2**

If any portion of this ordinance is for any reason held invalid, such decision shall not affect the validity of the remaining provisions of this ordinance.

## **SECTION 3**

This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

## **SECTION 4**

This ordinance shall take effect ten (10) days after its adoption or upon its publication in the *South Haven Tribune*, whichever occurs later.

INTRODUCED by the City Council of the CITY OF SOUTH HAVEN, MICHIGAN on this \_\_\_ day of \_\_\_\_\_, 2013.

ADOPTED by the City Council of the CITY OF SOUTH HAVEN, MICHIGAN on this \_\_\_ day of \_\_\_\_\_, 2013.

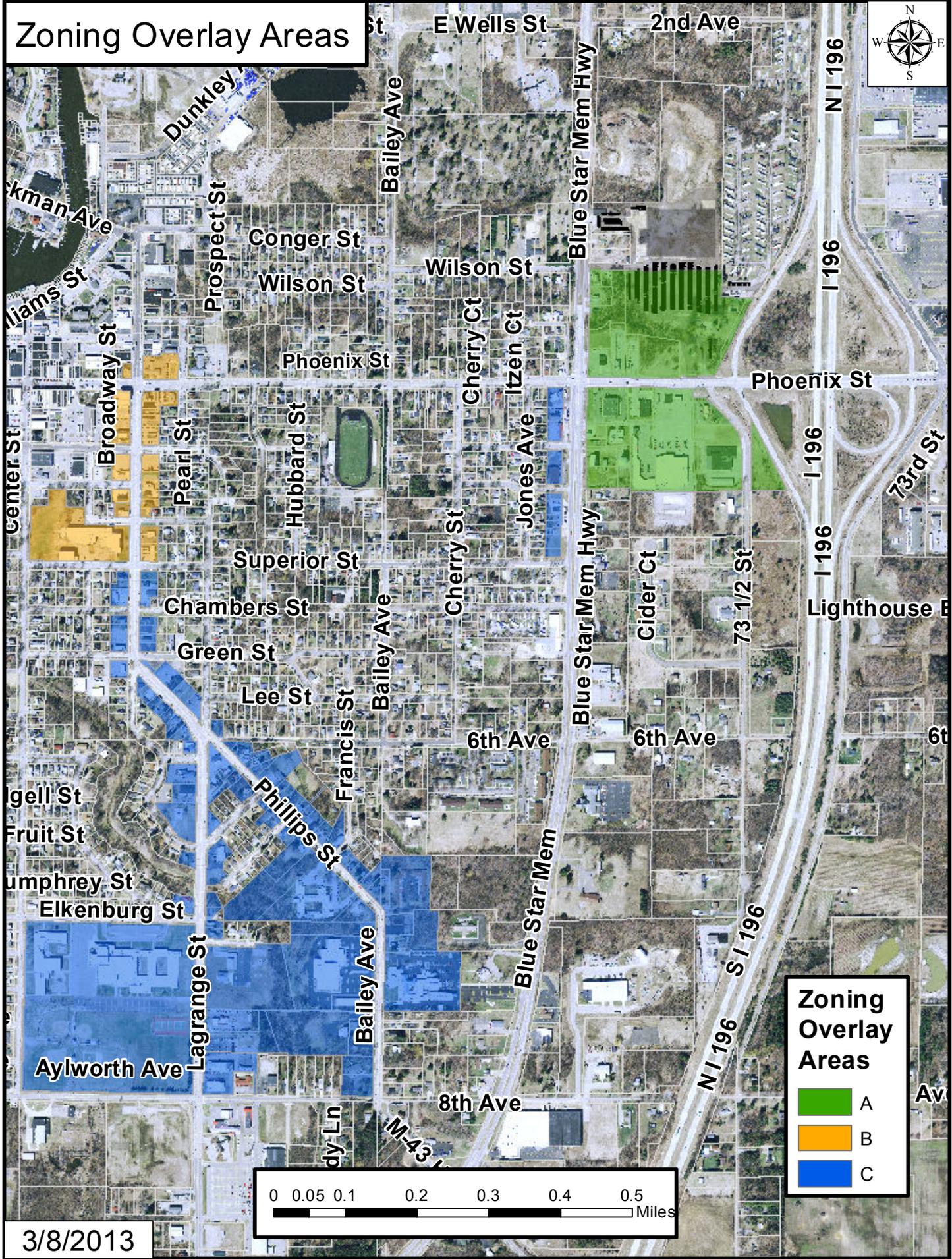
\_\_\_\_\_  
Robert G. Burr, Mayor

CERTIFICATION

I, Amanda Morgan, Clerk of the City of South Haven, Van Buren County, Michigan do hereby certify that the above Ordinance was adopted by the South Haven City Council on the \_\_\_ day of \_\_\_\_\_, 2013; and the same was published in a paper of general circulation in the City, being the *South Haven Tribune*, on the \_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Amanda Morgan, City Clerk

# Zoning Overlay Areas



Zoning Overlay Areas	
	A
	B
	C

3/8/2013

MASTER PLAN 2011 (EXCERPT):  
POLICIES AND RECOMMENDATIONS REGARDING THE  
BROADWAY/LAGRANGE/PHILLIPS CORRIDOR

---

**Policy and Goal Statements**

6. *Objective: Maintain and enhance the natural beauty of the City, making its physical assets both accessible and memorable*

a. Create a planting and beautification program. Define specific key roads for beautification. Consider planting flowers in parkway along main roads. (ie: Phoenix St, Broadway St, M-43 etc.)

c. Improve beauty of entrances to the City and welcome signs

POLICY: The Broadway commercial areas should receive attention to encourage improvement of the area, in the form of streetscape, landscaping, signage, curbing and roadway improvements.

POLICY: The City should encourage commercial development fronting on Broadway, with landscape buffering between commercial and adjacent residential properties.

**Recommendations for Corridor Area**

POLICY: The City should research the establishment of a zoning district that encourages and enhances development fronting on Broadway, Phillips and La Grange Streets, with appropriate landscape buffering between commercial and adjacent residential properties. Review screening provisions.

POLICY: Review access management along state business loops.

POLICY: Preservation and conservation of existing neighborhoods will be emphasized as a priority within this area. Support residential neighborhood infill activity (building on individual vacant lots) which is compatible with the scale and density of existing dwellings.

POLICY: Develop new procedures and standards that ensure long term compatibility between existing commercial and residential development including but not limited to lighting, signage and the use of landscape buffers and screens.

POLICY: The Broadway commercial areas should receive attention to encourage improvement of the area, in the form of streetscape, access management, landscaping, signage, curbing and roadway improvements.

POLICY: Phoenix Street east of Broadway and west of Blue Star Hwy should be preserved as a single-family neighborhood.

POLICY: Conversion of property along neighborhood edges should be carefully monitored to ensure that the integrity and residential character of the setting is retained, especially near downtown and along Phoenix Street.

POLICY: Rezoning of properties from residential to commercial use will be avoided in areas surrounded by residential properties.

POLICY: The City recommends limiting the number of access points and curb cuts on state business loops in order to maintain traffic flow.

Other commercial areas, including the Broadway Street corridor, should be planned to maintain a more urban scale which includes height limitations, adequate landscaping, open space between buildings and compatible exterior finishes. An overlay zoning district along the corridor can provide specific design tools while retaining the underlying zoning. The Planning Commission should adopt commercial regulations which place maximum building square footage in areas outside of the Interchange.



## Marina Facility Rental Policy

City of South Haven

### Background Information:

The North Side and South Side Municipal Marinas are closed from October 15 to April 15. During this time, the buildings are unused. We have had a number of requests to use the facility for various purposes, such as family gatherings, birthday parties and social events. In addition, the type of uses that we might see are business meetings, fundraiser events and dinners.

The attached policy was prepared after reviewing a number of other policies from other facilities. The fee schedule was based on comparable fees per person occupancy at a facility in a nearby city. The City proposes to provide a discount to South Haven residents and any 501c3 nonprofit organizations.

The policy prohibits consumption of alcohol during a rental except as permitted by City Council resolution. The City Council passed a resolution earlier in 2013 permitting alcohol on certain City properties to allow festivals to have beer tents and wine tastings. A similar resolution could be passed for the Marinas, if desired.

We have had discussions with the Marina Manager, John Marple, regarding scheduling and managing rental of the marina facilities for a percentage of the revenue. If the rental policy is acceptable to City Council, staff will proceed with those negotiations.

### Recommendation:

Approve the Marina Facility Rental Policy.

### Support Material:

1. Marina Facility Rental Policy as recommended by Harbor Commission.

Respectfully submitted,  
Paul VandenBosch

**City of South Haven  
Marina Facility Rental Policy**

1. Availability – General.

The Southside and Northside Municipal Marina facilities are generally available for rental from October 15 to March 30. The Marina Manager may approve rentals outside of this period upon determining that the proposed event will not materially interfere with use by boaters and the general public.

2. Daily Rental Rates.

Afternoon/Evening Events (access to the facility after 2:00 p.m. with a closing time no later than 11:00 p.m.)

Monday - Thursday	\$100
Friday and Saturday	\$500
Sunday	\$300

Mid-Day Events (access to the facility after 8:00 am with a closing time prior to 2 p.m.)

Monday - Thursday	\$50
Friday and Sunday	\$75
Saturday	\$100

South Haven residents and any 501c3 nonprofit organization may rent the facilities at a 50% discount. The City may hold meetings and other community events in the marina facilities at no charge.

3. Rental Application.

To apply for a rental reservation, please fill out an application and return it to the Marina Manager along with a deposit in the amount specified below. The Rental Manager's Office is located at the address of [address], South Haven, Michigan 49090. Applications are available in the Marina Manager's Office and online at: [website]. To determine whether a marina facility has vacancies on the desired date, please contact [person's name] at [phone number].

4. Deposit.

The security deposit for each rental is \$500 plus 50% of the applicable rental rate. After the event, if there is no damage to the facility and it has been cleaned to the satisfaction of the Marina Manager, the full amount of the deposit will be returned. If repair or cleaning is required, the cost of repair and/or cleaning will be deducted from the deposit. If costs exceed the deposit, the renter will be responsible for the difference.

5. Approval and Reservation.

The Marina Manager will not reserve a rental date until the deposit has been paid. Upon receipt of the application and payment of the deposit, the Marina Manager will review the application and, if acceptable, will reserve the facility for the date requested.

6. Cancellation.

If you need to cancel your event, please contact the Marina Manager as soon as possible. If an event is cancelled 60 days or more prior to the event date, the full amount of payment will be refunded. If an event is cancelled less than 60 days prior to the event date, and the facility is rebooked for the same timeslot, the Marina Manager will refund the deposit minus a \$100 administration fee. If an event is

cancelled and the facility is not rebooked, the Marina Manager will refund whatever is left of the deposit after subtracting: (1) the amount of rent lost due to the cancellation; and (2) a \$100 administration fee.

7. Final Payment.

Final payment is due one week prior to the event. If timely payment is not received, the Marina Manager may cancel the event and rent the facility to another applicant. If the Marina Manager cancels the event, the renter's deposit will be refunded in accordance with the terms and conditions in Section 6. If the Marina Manager does not cancel the event, the full amount of the deposit will be retained as rent, and the renter will be required to pay additional amounts if the facilities are damaged or require cleaning after the event concludes.

8. Requirements.

The following requirements apply to event rentals:

A. General Requirements. The closing time of the event shall be 11 p.m. or earlier, and the marina facility shall be vacated prior to that time. The renter must remain on site during the entire event and have a copy of the rental agreement with him or her at the marina.

B. Prohibited Activities. The following activities are prohibited:

- i. Smoking in the marina building.
- ii. Consuming or selling alcoholic beverages, except when approved by resolution of the City Council.
- iii. Bringing animals of any kind into the marina building.
- iii. Decorating the facilities with anything other than easily disposable paper decorations, except with prior approval of the Marina Manager.

C. Early Termination of the Event. The renter and the event participants must comply with all applicable laws and regulations, including City ordinances and policies. The Marina Manager reserves the right to terminate an event and order that the facilities be vacated based on legal violations, including but not limited to the following:

- i. Violations of the City's noise ordinance.
- ii. Violations of fire safety regulations, including regulations relating to maximum building capacity and egress from the building. All exits, aisles, and hallways must be maintained in an unblocked condition as open areas.
- iii. Violations of the City's regulations regarding alcohol and tobacco.

D. Renter Responsibilities and Obligations. The renter agrees to the following:

- i. The renter must pay for any loss paid or owed by the City or the Marina Manager (including their officers, employees, agents, or assigns) as a result of the event. "Loss" means a monetary amount paid or owed for any reason, including for example: judgments, settlements, fines, replacement costs, staff compensation, decreases in property value, and expenses incurred in defending a legal claim.
- ii. The renter is responsible for fully cleaning the marina facility to the satisfaction of the Marina Manager at the conclusion of the event.

9. Food Service.

Renters may bring food and permitted beverages to serve in the marina facility. The renter is responsible providing tablecloths, tableware, and serving utensils. The renter is responsible for fully cleaning the marina facility to the satisfaction of the Marina Manager. If the renter wishes to host a catered event, the caterer must be identified on the rental application. The renter shall require the caterer to fully clean the facility after the event to the satisfaction of the Marina Manager. The Marina Manager reserves the right to deny the use of any caterer that has previously failed to comply with the terms and conditions of this Policy.

10. Parking.

During the period between October 15 and April 15, individuals attending an event at a marina facility are free to park in the spaces normally reserved for marina boaters. During the remainder of the year, the Marina Manager shall designate the parking area where attendees are to park.



## Black River Park Master Plan

City of South Haven

### Background Information:

The Harbor Commission desires to make improvements to the Fish Cleaning Station at Black River Park. It was felt that the Fish Cleaning Station should be replaced with a new facility rather than upgrading in its current location. In order to find a location in Black River Park, the Harbor Commission began a process to review other potential improvements to Black River Park, with the intent of coordinating the location of the Fish Cleaning Station with other future improvements. The master planning process was assisted by Abonmarche Consultants.

A master plan is a guide for future implementation. It is intended to coordinate future improvements and guide staff in implementation of the plan. This plan does not require the City to develop the park in this way, it shows the intent for the park at this time.

The attached plan was initially developed by the Harbor Commission, and was then reviewed by the Parks Commission and Planning Commission. Comments received at the Parks Commission and Planning Commission were incorporated into the design.

The Black River Park Master Plan has been recommended to City Council for approval. If approved, the Harbor Commission will likely proceed by directing staff to have cost estimates and detailed plans drawn up for a fish cleaning station for grant submittal purposes.

### Recommendation:

Approve the Black River Park Master Plan.

### Support Material:

1. Black River Park Master Plan
2. Master Plan Narrative
3. Draft Harbor Commission Minutes

Respectfully submitted,  
Paul VandenBosch  
Harbormaster



## Black River Park Master Plan

### Black River Park Enhancement:

During the spring of 2013, the city of South Haven contracted with Abonmarche to assess developing a new fish cleaning station within Black River Park. As part of the process, it was determined that the development of a master plan for the park was necessary to determine the best placement of the new fish cleaning station as well as a plan that meets the following objectives:

- Increases parking at the facility.
- Improves traffic flow.
- Improves pedestrian connectivity throughout the area.

Abonmarche prepared two options and presented them on June 18, 2013 at the Harbor Commission Meeting. Comments from this meeting on the proposed plans included:

- Add an exit lane to the boat launch one way entrance drive stacking lane so if someone needed to get out of line prior to entering the gated area they would have an exit route.
- Both Options relocated the main entrance to just north of the dredged spoils site to allow direct access into the gated launch area and a stacking lane. The road splits to provide un-gated access to marina. In Option B Dunkley Avenue terminated with a cul-de-sac turn around. One commissioner noted that many fishermen visit the store near the corner of Dunkley to pick up bait etc. and it would be difficult for them to turn around. The request was made to have Dunkley continue into the parking facility as secondary access rather than dead end.
- There was much discussion over best location for Fish Cleaning station – in Option A the station was within the boat launch facility near the existing kayak launch and in Option B the fish cleaning station was located at the parking lot within the new dredged spoils area. Some liked fish cleaning within park others felt best moved to dredge site since weigh ins after tournaments occur off site and the free access into dredged spoils parking area would work best.

Input from the meeting was used to prepare a revised concept that was presented at a Public Input Session on July 16, 2013. Comments and recommendations from the meeting included:

- Adding a unisex restroom unit to fish cleaning station and the additional cost.
- Everyone agreed that the fish cleaning station should be located within the dredged spoils site but that a drop off/unloading area should be provided so fishermen do not have to carry coolers from trailer parking to facility for cleaning fish.
- Agreement that an additional restroom facility at dredged spoils site would be preferred.
- Discussed specifics for fish cleaning station including micro-bacterial board tabletop.
- Mentioned that two fish scalars were desired instead of one if the budget allowed.

Further revisions were made to the plan per above comments and a single revised plan was presented to the Parks Board on August 13, 2013. Comments and recommendations from the meeting included:

- A preference to minimize amounts of pavement. Prefer to have dredged spoils site remain gravel or other percolating material.
- Requested additional landscaping, seeding and trees be added to the area south of the water filtration plant (area noted for future expansion) so that it looks more like a park.
- Requested more picnic tables to be added along the river at the west side of the park.

We revised the plan to include the additional lawn area and plant material. At the scale of the Master Plan we did not add specific table locations but noted in the presentation that

additional picnic tables should be included. The revised plan was presented to the Planning Commission on September 5, 2013. Comments from the meeting included:

- Discussion of the dredged spoils site and the current plan to cap the spoils with gravel and use for parking. It was mentioned that gravel is not allowed per city ordinance.
- Discussion followed as to the need to allow spoils to dry out.
- Discussion as to plans to stripe a gravel lot with parking spaces – mentioned that marking was shown just to give an idea of the numbers of vehicles that could utilize the facility.
- Discussion of is there really a need for additional parking within facility – stated that dredged spoils site has unofficially been used for additional parking for years and the capped surface could provide ample overflow parking for downtown events not occurring in conflict with fishing events.

# Harbor Commission

## Regular Meeting Minutes

Tuesday, October 15, 2013  
5:30 p.m., City Hall Council Chambers  
South Haven City Hall



City of South Haven

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

#### Roll Call:

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

### 2. Approval of Agenda

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

All in favor. Motion carried.

### 3. Approval of Minutes: September 17, 2013 Regular Meeting

Motion by Reineck, second by Sullivan to approve the September 17, 2013 regular meeting minutes as written.

All in favor. Motion carried.

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

None at this time.

### 5. Marina Reports

VandenBosch reviewed the Marina Reports, Black River Park Revenues and River Maintenance Fund.

Plans are to disable the gate at Black River Park for the winter season, leaving it open.

VandenBosch noted that the rain has helped the lake levels.

## **6. Black River Park Master Plan**

VandenBosch noted that the plan has been to Parks Commission and Planning Commission for review and comment. Minor changes were recommended. After review by the Harbor Commission, the next step is to recommend the plan to City Council.

Tony McGhee, Business Development Director and Kathy Burczak, Senior Landscape Artist, both from Abonmarche are here to review the draft Master Plan.

Burczak reviewed the progression of the plan since Abonmarche was tasked with improving vehicular traffic flow and determining the best place for a new fish cleaning station. Abonmarche proposes a small restroom in the same area. The entrance gate to the boat launch and flow of the boat launch parking area and launch site would remain the same with the addition of ADA (Americans with Disabilities Act) parking. Abonmarche also proposed a small restroom at the far end of the parking area for marina guests. The existing restroom would be made ADA compliant. Proposed additions to improve usability for guests include picnic areas, canoe and kayak launch improvements, pedestrian connectivity from the marina to all components of the area over impervious paving with minimized vehicular crossing and an ADA compliant pavilion.

The current dredge spoils site will eventually provide unpaid and ADA overflow parking and an unloading area near the new fish cleaning station; while this area will not be paved during the early phases of the project, there will be bituminous ADA access to the fish cleaning station in conjunction with the loading/unloading area.

There was discussion regarding the role the Black River Park Master Plan plays in the future development of that area and how it relates to the city's Master Plan. VandenBosch noted that this is separate from the Planning Commission's Master Plan and explained that a master plan does not lock anyone into anything, but it provides a vision or plan for potential future development.

Discussion ensued regarding the formerly proposed cul-de-sac on Dunkley. McGhee noted that the cul-de-sac became a roadblock and the currently proposed Dunkley Street access is designed, not to be convenient, but to provide secondary one-way access and to provide important access for fire safety.

There was discussion regarding the various options for access to the Black River launch site; means used to determine what percentage of vehicles stop at Pyle's Porthole compared to the ones who launch without stopping at Pyle's and the Dunkley loop.

There was discussion regarding impervious and pervious paving and the ratio of black and green spaces in the Master Plan. VandenBosch pointed out that at present grass pavers are still too expensive; perhaps during a later phase alternative paving options could be explored.

Motion by Stephens second by Strong to recommend the Black River Park Master Plan to City Council for approval.

All in favor. Motion carried.

## **7. Marina Facility Rental**

VandenBosch explained that information regarding marina facility rental was sent to the city attorney, who made some very minor changes. This policy would allow rental of north and south side marina facility buildings.

VandenBosch started work on a contract addendum with the marina manager; the marina manager would manage this for a percentage of the rental fee. Research needs to be done regarding the costs of cleanup and management. VandenBosch noted the city has had a number of requests to use the marina facility and have been told it is not for rent until we have a policy in place.

Policy presently only allows consuming or selling alcoholic beverages on public property by resolution of the City Council, according to VandenBosch. A recent resolution, focused more on festivals, allows certain public areas to have wine tastings or beer tents; if it was desired to serve alcohol in the marina facilities that policy would have to be amended. There was discussion regarding the regulations of the liquor commission, which they only regulate in this type of situation if the alcohol is being sold. At this time VandenBosch recommends only allowing non-cash bars and that would only be allowed if there was an amendment to the City Council's recent resolution.

There was discussion regarding the paragraph indicating non-profit organizations and social groups. Silverman pointed out that there is no definition of a social group. VandenBosch indicated that the purpose of that designation was so a South Haven resident can rent the facilities for fifty percent (50%) off. Silverman suggested adding 501(c) 3 in front of the word non-profit. Silverman feels it is asking for trouble to use an undefined group. Silverman said you need to determine exactly what you are trying to accomplish. Stephens agreed that the present wording is not clear but confusing and that the wording should just clearly state the intent. Arnold likes the idea of a resident discount. VandenBosch suggested indicating that residents of the City of South Haven and 501(c) 3 non-profit groups can rent for fifty percent (50%) discount.

Silverman suggested that at the end of paragraph 8.d.II where it states that a renter or a caterer be responsible for cleaning the facility after an event that it be changed to make the renter be responsible for the cleaning; if the renter wants to assign that to the caterer he can but the renter is ultimately responsible. In section 9 VandenBosch said management would like to be able to exclude any caterer that the city has problems with. There was agreement that the renter shall require the caterer to fully clean the facility.

The group discussed the marina manager being the one to designate parking for the rented facility during the busy season.

There were question about when the date restriction would be for the application to be turned in with the deposit. Final payment is due one week before the event, but there is no indication of how far ahead the deposit and application need to be turned in.

Discussion ensued regarding how far in advance cancellation notice needs to be made; a sliding scale based on lead time was discussed with several comments regarding the amount of the administration fee for cancellation.

VandenBosch would like to rewrite this policy based on today's suggestions and send it out to everyone by email for comment. Requested a motion to recommend to City Council subject to Harbor Commission review by email.

Motion by Silverman to approve the marina facility rental policy and recommend it to City Council subject to the changes we discussed;

- Revision of final paragraph of Section 2 to allow fifty percent (50%) discount for City of South Haven residents and any 501(c) 3 non-profit group.
- A change to Section 6 to allow cancellation without penalty if made sixty (60) days or more in advance.
- The reduction of the administration fee to \$100
- Paragraph 8. D. II. Eliminate word "caterer"
- Section 9. Fourth sentence. To provide that the renter shall require the caterer to clean the facility.
- Section 10. Second sentence. That the marina manager will designate where the attendees are to park during the remainder of the year

all of which will be included in a revised copy to be emailed to the Harbor Commission members for their final approval.

Second by Strong.

All in favor. Motion carried.

Sullivan suggested that a percentage of the rental fee would be better than a set administration fee. VandenBosch noted that can be considered when the review by email is done.

## **8. Dredging Update**

VandenBosch updated the Harbor Commission regarding soundings that came back at the end of the dredging project because we pay by the volume removed. Pre and post soundings

are taken and the difference is how the dredging contractor gets paid. There is a substantial amount of material in the federal channel which is an issue. Due to the federal shutdown VandenBosch has been unable to contact the Corps. VandenBosch plans to work with the dredging contractor to get some additional dredging done in some of the worst areas. The Dunkley Street area will be flattened out when the dredging contractor is finished, at which time that area will be capped with gravel. VandenBosch hopes the dredging project will be done by the end of the year.

VandenBosch informed the board that if they hear complaints of higher than normal levels, VandenBosch would like to know about it. Silverman said J & B Marine could probably tell you every high spot; they have been pulling boats out up the river.

VandenBosch noted that the lighthouse/pier heads area has been done; everything except the area near the Idler should be taken care of, but we do not have soundings from after the Army Corps did their dredging and probably won't until the federal government starts up again. Strong and Silverman agreed that the level is better this year than it was last year.

Stephens questioned page thirty-two (32) to which VandenBosch said that is related to the army corps project early on. If soundings indicate twelve feet (12') they will dredge it to fourteen feet (14').

### **Member and Staff Comments**

In response to Strong's request for an update on bridge repairs VandenBosch explained that due to circumstances no one is sure when the project will be rebid.

VandenBosch indicated that the Black River Park gate will be opened full time November 1, 2013 to March 30, 2014.

VandenBosch stated that the City is currently going through their annual audit, and he will add the marina audit to the next agenda if he gets that information in time.

Today is last day for marinas. Staff is in the process of winterizing; people are moving out.

Silverman asked what will be done with the furniture in the north side marina. VandenBosch said the outdoor furniture will be put in storage. Staff may buy or rent banquet tables.

Sullivan questioned whether anything proactive can be done for future dredging, particularly the sediment traps. VandenBosch agreed that sediment traps need to be addressed; that is something that can be contracted out in the winter.

Silverman would like to see a method of reducing or eliminating the surge that affects the South Side marina. There are a number of surge protection devices available now; suggests it be looked into. If we want to increase transient traffic, we have to deal with the one consistent complaint the users have which is the surges that affect that marina. Staff needs to put in place a process to evaluate the equipment that might prevent or reduce that surge.

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VandenBosch explained that a very expensive option, to cut an area out of the channel, make it wider and put rip rap along the side, is available. However there are other options using a fabric or material that might work.

### **Adjourn**

Motion by Strong, second by Stephens to adjourn at 6:52 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom  
Recording Secretary