

City Council

Regular Meeting Minutes

Monday, February 2, 2015
7:00 p.m., Council Chambers



1. **Call to Order by Mayor 7:00 p.m.**
2. **Invocation by Pastor Milan Bittenbender – Life Bridge**
3. **Roll Call**

Present: Arnold, Fitzgibbon, Gruber, Klavins, Patterson, Burr
Absent: Kozlik Wall

Moved by Gruber to excuse Councilmember Kozlik Wall for personal reasons. Seconded by Fitzgibbon.

Voted Yes: All. Motion carried.

4. **Approval of Agenda**

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

Voted Yes: All. Motion carried.

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

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

- A. Council will be requested to approve the City Council Minutes of January 19, 2015.
- B. Bills totaling \$ 1,552,530.49 for the period ending February 3, 2015 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) 11-13-2014 Planning Commission Minutes
 - 2) 11-18-2014 LHBM Minutes
 - 3) 11-24-2014 Brownfield Minutes
 - 4) 12-08-2014 LDFA Minutes
 - 5) 12-09-2014 Parks Minutes
 - 6) 12-16-2014 LHBM Minutes
 - 7) 01-20-2015 LHBM Minutes

A Roll Call Vote was taken:

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

Nays: None

Motion carried.

UNFINISHED BUSINESS

6. Council will be asked to consider approval of two ordinance amendments related to animal control and ownership. Council will be asked to consider approval of amendments to the following sections of the city's Code of Ordinances:

A. Chapter 1 of the Code of Ordinances, Sections 1-16

B. Chapter 6 of the Code of Ordinances, Sections 6-2 and 6-3

Background Information: The City Council will be asked to consider two ordinance amendments related to animal ownership and animal control. The ordinances reflect recommendations made by the city's Planning Commission.

Over the past year, the city's Planning Commission has reviewed the city's adopted animal control ordinances, with focus on the sections related to dogs. A subcommittee of the Planning Commission was formed to review the ordinance language, and sought to determine if the language was clear and enforceable. The committee sought input for the South Haven Police Department. After review, the Planning Commission made a series of recommended changes to the ordinances. Attached is a summary of the Planning Commission's findings. The first proposed change to an ordinance would seek to amend Chapter 6 of the Code of Ordinances to more clearly define the public areas where animals are allowed while under reasonable control. As currently written, Section 6-2 prohibits allowing animals to be "in any public park or recreation area, public building, or *any building or area which is open to the general public.*" Literally construed, the italicized language makes it unlawful to walk a dog on a City street or sidewalk, or even to take a dog to a designated dog park. The proposed ordinance would narrow the list of places where animals are generally prohibited to include only public parks, public beaches, and public buildings. The ordinance also authorizes the City or private property owners to prohibit animals in other areas by posting signs to that effect. The signage may specify particular animals that are prohibited, or particular times of day when the prohibition applies. The ordinance also repeals unnecessary and redundant provisions in Section 6-3, which pertains to animals at large and dogs in heat. The second ordinance amends Section 1-16 to increase the fines for first and second violations of Chapter 6 that are designated as municipal civil infractions. The fine for first offenses would be raised from \$50 to \$100, and the fine for second offenses would be raised from \$100 to \$150. The City Charter requires that when a code section is amended, the entire section must be restated in full in the amending ordinance. To eliminate the need for readopting all of Section 1-16 whenever a change is made to the fee schedule, the proposed ordinance moves the fee schedule to a newly created Section 1-16a.

Item A: Council will be asked to consider an amendment to Chapter 1 of the Code of Ordinances, Sections 1-16.

Moved by Patterson to approve an amendment to Chapter 1 of the Code of Ordinances, Sections 1-16. Seconded by Arnold.

Voted Yes: All. Motion carried.

Item B: Council will be asked to consider an introduction to amend Chapter 6 of the Code of Ordinances, Sections 6-2 and 6-3.

Moved by Fitzgibbon to approve an amendment to Chapter 6 of the Code of Ordinances, Sections 6-2 and 6-3. Seconded by Arnold.

Voted Yes: All. Motion carried.

NEW BUSINESS

7. Council will be asked to consider a motion to prohibit animals from entering the Huron Street Pavilion, during the hours of operation for the city's Farmers' Market, with the exception of guide and service animals.

Background Information: The City Council will be asked to consider a prohibition on animals from entering the Huron Street Pavilion, during the hours of operation for the city's Farmers' Market, with the exception of guide and service animals.

The city's Farmers' Market operates under and around the Huron Street Pavilion, on Wednesday and Saturday, from June until August. During the event, pedestrian traffic is quite high in the area under the pavilion. As a result, bringing animals into the crowded area potentially places pedestrians at risk.

Staff has reviewed rules issued for farm markets in nearby communities. The City of Holland has restricted animals from entering their market. The City of Grand Rapids has restricted animals from entering their market. Further, the city has received guidance from the Michigan Department of Agriculture, which notes that state's 2009 Food Code recommends a prohibition on animals from the premises of a food establishment.

Will Anzenberger from Al-Van spoke about the prohibition of animals from the Farmers' Market.

Lisa Galdikas from Al-Van spoke about the prohibition of animals from the Farmers' Market.

Moved by Fitzgibbon to table this item until a future meeting. Seconded by Patterson.

Voted Yes: All. Motion carried.

8. Council will be asked to approve the following Special Events:

- A. Special Event 2014-54, South Beach Triathlon to be held on August 29, 2015.**
- B. Special Event 2014-53, Paws on Parade REVISED to be held on June 28, 2015**
- C. Special Event 2015-03, Summer Kickoff to be held on May 30, 2015.**

Item A: Special Event 2014-54, South Beach Triathlon to be held on August 29, 2015.

Background Information: 3 Disciplines Racing would like to hold a triathlon event on the city's South Beach, on August 29, 2015. They are also requesting August 27-28, 2015 as set-up days, to prepare the site for the event. They have agreed to pay parking fees of \$3,444 for the three days. The special event will include a variety of racing disciplines, including: Sprint Triathlon, Olympic Triathlon, Kayak Triathlon, and Aquathon.

Moved by Patterson to approve Special Event 2014-54, South Beach Triathlon to be held on August 29, 2015. Seconded by Klavins.

Voted Yes: All. Motion carried.

Item B: Special Event 2014-53, Paws on Parade REVISED to be held on June 28, 2015.

Background Information: Paws on Parade is a special event with the local Al-Van Humane Society acting as the event sponsoring organization. This special event is an adoption fair, which features informational booths, demonstrations, and a pet parade. The event is typically held at Stanley Johnston Park, but this time they would like to have it at the city's Riverfront Park. The special event is planned to occur on Sunday June 28, 2015, from 8 am to 3 pm.

REVISED – Al-Van Humane Society would like to add a 5K walk to their approved event. They would like to use the same 5K route as the Blueberry Festival uses.

Lisa Galdikas from Al-Van spoke about the revisions to her event.

Moved by Fitzgibbon to approve Special Event 2014-53, Paws on Parade REVISED to be held on June 28, 2015. Seconded by Gruber.

Voted Yes: All. Motion carried.

Item C: Special Event 2015-03, Summer Kickoff to be held on May 30, 2015.

Background Information: The Summer Kickoff is requesting be held in Elkenburg Park on May 30, 2015 from 12:00-5:00 pm. This is a church organized event and free for the community. There will be free food, games, music, dunk tank, and relay/sack races. Last year they raffled off 6 bicycles for the youth and a TV. They would like to do something similar this year.

Ahmmad Goodwin spoke about the Summer Kickoff event.

Moved by Patterson to approve Special Event 2015-03, Summer Kickoff to be held on May 30, 2015. Seconded by Fitzgibbon.

Voted Yes: All. Motion carried.

9. Council will be asked to consider Resolution 2015-05, a resolution appointing a Board of Review, rate of compensation, and a meeting schedule for 2015.

Moved by Fitzgibbon to approve Resolution 2015-05, a resolution appointing a Board of Review, rate of compensation, and a meeting schedule for 2015. Seconded by Klavins.

Voted Yes: All. Motion carried.

10. Council will be asked to consider Resolution 2015-06, a resolution appointing board members and establishing term limits for the Liberty Hyde Bailey Museum Memorial Fund foundation board.

Background Information: During the City Council meeting on January 5th City Council approved an operating agreement with the Liberty Hyde Bailey Museum Memorial Fund for the operation of the museum. As part of the agreement, the board as it had existed was abolished. Further, the agreement called for the City Council to appoint three trustees to the board and set the length of their terms.

Members of the City Staff met with members of the board to determine the appropriate people to appoint and the length of their terms. City Council is being asked to approve a resolution confirming those appointments and term lengths.

It is important to note that the City Council had 6 members on the former Liberty Hyde Bailey Board. As we move forward with the new agreement, all 6 members will still remain on the board, however, only 3 of those are City appointed. The other 3 have been appointed by different means.

Moved by Patterson to approve Resolution 2015-06, a resolution appointing board members and establishing term limits for the Liberty Hyde Bailey Museum Memorial Fund foundation board. Seconded by Gruber.

Voted Yes: All. Motion carried.

11. Council will be asked to consider an amendment to the marina manager agreement with HAPA, LLC to add Black River Park Boat Launch to the agreement.

Background Information: The City Council will be asked to consider an amendment to the marina manager agreement with HAPA, LLC (John Marple.) The amendment would add Black River Park Board Launch management to the HAPA, LLC marina management agreement.

The current contract with HAPA covers management of municipal marinas (South Side, North Side, Maritime and Black River Park Marina) with a compensation of \$62,200 (plus inflationary increases). The contract continues through November, 2017.

The amendment to marina manager agreement would add management oversight responsibilities for maintaining the boat launch gates, maintaining the fish cleaning station, cleaning of Black River Park rest rooms and brushing of docks.

The compensation for management of these items is \$6,000 per year to HAPA. Please note that the city also pays HAPA an amount based on cost of labor and materials to perform these services.

Currently the Black River Park rest rooms are cleaned by the city's Parks personnel. The restrooms are being cleaned once a day, however we have found that it is important to clean early in the morning and again after the boaters have used the facilities in mid-morning. We would like to move cleaning of the Black River Park restroom to marina staff.

One of the items identified as shortcomings in the audit was that marina payments made at Black River Park were not entered into the marina computer system, instead a paper receipt system was used. This contract would allow for a computerized marina payment system at Black River Park.

We currently have two staff working at Black River Park. Mr. Marple has indicated that he will consider hiring staff for the marina operation.

Over the past three seasons, Mr. Marple has provided a high quality level of customer service at the municipal marinas, and has increased revenues as a result of his management.

The city's Harbor Commission has reviewed the proposal and recommended in favor of the proposed amendment, with the addition of language which would allow either party to terminate the amendment without affecting the marina contract. This language has been

added to the amendment.

Moved by Fitzgibbon to approve an amendment to the marina manager agreement with HAPA, LLC to add Black River Park Boat Launch to the agreement. Seconded by Arnold.

Voted Yes: All. Motion carried.

12. Council will be asked to consider rescheduling the February 16, 2015 regular City Council meeting, to occur on Monday, February 23, 2015 at 7:00 p.m.

Moved by Fitzgibbon to reschedule the February 16, 2015 regular City Council meeting to occur on Monday, February 23, 2015 at 7:00 p.m. Seconded by Gruber.

Voted Yes: All. Motion carried.

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

14. City Manager's Comments

15. Mayor and Councilperson's Comments

Klavins – No comment.

Arnold – Remember to shovel sidewalks for children going to school and postal workers. Happy Groundhog's Day.

Patterson – Spoke about snow removal. Thanked Al-Van.

Fitzgibbon – Spoke about appreciation for the Planning Commission and all they do and a successful Ice Breaker.

Gruber – Good job Deb taking over for Joe. Spoke about South Haven enforcement team.

Burr – Thanked Kathy and the Chamber for a successful Ice Breaker.

16. Adjourn

Moved by Patterson to adjourn. Seconded by Fitzgibbon.

Voted Yes: All. Motion carried. Meeting adjourned at 7:57 p.m.

RESPECTFULLY SUBMITTED,



Michelle Coffey
Deputy City Clerk

Approved by City Council: **February 23, 2015**