

# City Council

## Regular Meeting Minutes

Monday, August 17, 2015  
7:00 p.m., Council Chambers



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

### 2. Invocation – Deacon Craig Massey from Hope Reformed Church

### 3. Roll Call

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

### 4. Approval of Agenda

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

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

Moved by Patterson, seconded by Fitzgibbon, to approve the consent agenda.

- A. Council will be requested to approve the regular City Council Minutes for August 3, 2015.
- B. Council will be requested to approve the Special Workshop City Council Minutes for August 3, 2015.
- C. Bills totaling \$2,029,301.03 for the period ending August 16, 2015 to be approved and forwarded to the Clerk and Treasurer for payment.
- D. Council will be asked to approve the scope of the repairs as drafted by Abonmarche for the South Haven Memorial Library's north wall.
- E. Council will be asked to approve the proposal to upgrade the City's Microsoft Exchange by Secant Technologies in the amount of \$16,034.50.
- F. Council will be asked to accept the four memorial bench donation requests on Monroe Boulevard and Riverfront Park as described in the agenda packet.
- G. Council will be asked to approve the following minutes:
  - 1) 06-08-2015 LDFA Minutes;
  - 2) 06-09-2015 Parks Commission Minutes; and
  - 3) 07-15-2015 Airport Authority Minutes.

A Roll Call Vote was taken:

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

Motion carried.

## OLD BUSINESS

### **6. Council will be asked to introduce an amendment to the ordinance regulating long grasses.**

#### *Background Information:*

The City Council will be asked to consider a motion to introduce an ordinance amendment for section 30-92 through 30-94 of the city's Code of Ordinances to modify the regulation of grasses and weeds.

At the August 3, 2015, special meeting of the City Council, the Council discussed proposed revisions to the city's ordinance related to the regulation of long grass and weeds. The City Council members discussed their desire to modify the ordinance to accomplish greater compliance by private property owners. Further, the Council members discussed changes which would: A) increase the administrative fee associated with long grass regulation to \$150.00 plus the fees associated with mowing the private lot, B) increasing the enforcement threshold for long grasses from 6" to 9", C) expediting the enforcement process to require compliance within 5 business days from the receipt of the notice of abatement.

The city's staff has worked with the city's attorney to prepare the draft ordinance amendment presented in tonight's agenda. Based on the guidance offered from the City Council, the draft ordinance amendment should accomplish the City Council's goals for this amendment. In summary, the ordinance amendment will allow property owners to have longer grass than previously allowed. However, the ordinance amendment will require significantly higher enforcement fees and expedited enforcement of long grass and weeds on private property.

There are several items in the draft ordinance amendment the City Council should note. Those items include: A) the duties imposed in this section extend to the portions of the abutting public right-of-way that would become part of the property if the right-of-way were vacated, except for any roadway paved for vehicular traffic; B) for parcels that are 3 acres or greater in size, responsible parties need only to cut grass 20' from the property line on all sides to be in compliance; and C) the duty to cut grass under this article shall not apply to heavily forested area in which above-ground tree roots prevent grass from being cut with a lawnmower.

Please note; the proposed ordinance amendment is written to take effect on January 1, 2016. The changes in this ordinance will not affect the city's ongoing long grass and weeds enforcement for the remainder of the 2015 summer season.

Moved by Patterson, seconded by Gruber, to introduce an amendment to the ordinance regulating long grasses.

Voted Yes: All. Motion carried.

## NEW BUSINESS

### **7. Council will be asked to approve the following Special Events:**

- a. Special Event Application 2015-24, the Rotary Pancake Breakfast to be held on September 6, 2015 from 6:30 a.m. to 1:00 p.m. under the Huron Street pavilion.**

*Background Information:*

The Rotary Club of South Haven will be using the Huron Street pavilion to host a pancake breakfast on September 6, 2015 from 6:30 am to 1:00 pm. Rotary is requesting permission to reserve 12 parking spaces under the pavilion immediately following the close of the Farmer's Market on Saturday, September 5, 2015. These parking spaces would be available for public use following the pancake breakfast.

Moved by Fitzgibbon, seconded by Klavins, to approve Special Event Application 2015-24, the Rotary Pancake Breakfast to be held on September 6, 2015 from 6:30 a.m. to 1:00 p.m. under the Huron Street pavilion.

Voted Yes: All. Motion carried.

- b. Special Event Application 2015-25, the South Haven High School Homecoming Parade to be held on Friday, September 25, 2015 from 5:00 p.m. to 7:00 p.m. starting on Kalamazoo Street, down Phoenix and Hubbard Streets and ending at Ratcliffe Field on Michigan Avenue.**

*Background Information:*

The South Haven High School is requesting to hold their annual Homecoming Parade on Friday, September 25, 2015 from 5:00 pm to 7:00 pm. The parade will include the marching band, choir, floats, community groups and walking participants.

Moved by Arnold, seconded by Fitzgibbon, to approve Special Event Application 2015-25, the South Haven High School Homecoming Parade to be held on Friday, September 25, 2015 from 5:00 p.m. to 7:00 p.m. starting on Kalamazoo Street, down Phoenix and Hubbard Streets ending at Ratcliffe Field on Michigan Avenue.

Voted Yes: All. Motion carried.

- c. Special Event Application 2015-26, a fundraiser for AVN to be held in Stanley Johnston Park on August 29, 2015 from 1:00 p.m. to 6:00 p.m.**

*Background Information:*

Peggy Hunt would like to have a fundraiser for AVN, Avascular Necrosis, in Stanley Johnston Park on August 29<sup>th</sup>, 2015 from around 1:00 pm to 6:00 pm. This will be a family style event with acoustic music, yard games, guest speakers, barbeque, face painting, and more.

Peggy Hunt, organizer of the event, spoke to City Council about this event.

Moved by Patterson, seconded by Fitzgibbon, to approve Special Event Application 2015-26, a fundraiser for AVN to be held in Stanley Johnston Park on August 29, 2015 from 1:00 p.m. to 6:00 p.m.

Voted Yes: All. Motion carried.

- 8. Council will be asked to approve Resolution 2015-37, a resolution authorizing contracts with the low bidders for the Overton Environmental and Demolition Project.**

*Background Information:*

The attached resolution would authorize contracts with environmental and demolition contractors to demolish the Overton building.

The work was split into a number of contracts, which were bid separately:

<b>Overton Project Work</b>	<b>Bidder</b>	<b>Bid Amount</b>
Demolition	Eco Demolition	267,000.00
Asbestos Removal	Dore & Associates	38,936.00
Hazardous Drum Removal	Drug & Lab Disposal	2,178.00
Nonhazardous Drum Removal	Liquid Industrial Waste Service	2,170.00
Transformer Cleaning	Terra Contracting	8,909.00

The total cost of the contracts is 319,193.56.

The source of funding is the Brownfield Local Site Remediation Revolving Fund, which has a balance of \$586,365.

If approved, environmental work would proceed in about two weeks. Demolition work would begin in mid-September, with demolition completion in mid-November. Final site restoration would be completed in December, with possible additional grass seeding in spring, 2016.

There is a dust control plan in place, which requires the contractor to direct a fine water spray on the source of demolition activities. The site will be left in a condition that will prevent dust from being generated. If high winds are evident, dust controls will be implemented.

Paul VandenBosch, Assistance City Manager and Brownfield Redevelopment Authority Secretary, spoke briefly to Council on this matter.

Moved by Patterson, seconded by Klavins, to approve Resolution 2015-37, a resolution authorizing contracts with the low bidders for the Overton Environmental and Demolition Project.

Voted Yes: All. Motion carried.

- 9. Council will be asked to approve Resolution 2015-38, a resolution approving an agreement with the Michigan Department of Natural Resources (MDNR) to receive a Land and Water Conservation Fund (LWCF) Development grant in the amount of \$78,100.**

*Background Information:*

The City Council will be asked to consider the approval of Resolution 2015-38, a resolution approving an agreement with the Michigan Department of Natural Resources (MDNR) to receive a Land and Water Conservation Fund (LWCF) Development grant in the amount of \$78,100.

This project is a new development of a 1.5-acre expansion of Black River Park that will increase the park's size and amenities to include a fishing access point, and will further increase access and accessibility to the Black River. As part of the project, the riverbank will be stabilized with a stonework installation and an incorporated fishing platform, which, with the addition of graded landscaping and a free parking lot with 9 spaces, will make this site a universally accessible fishing spot. The total project cost is \$156,200.

The LWCF program is a federal program administered by the United States Department of Interior's National Park Service (NPS) and implemented by the Michigan Department of Natural Resources (MDNR). It provides funds to the states for both state and local outdoor recreation projects. Final grant recommendations for this program are made by the MDNR Director and provided to the NPS for approval.

Moved by Fitzgibbon, seconded by Patterson, to approve Resolution 2015-38, a resolution approving an agreement with the Michigan Department of Natural Resources (MDNR) to receive a Land and Water Conservation Fund (LWCF) Development grant in the amount of \$78,100.

Voted Yes: All. Motion carried.

**10. Council will be asked to consider the following actions regarding the operation of golf carts on city streets:**

- a. A discussion of a proposed Resolution 2015-40, a resolution allowing the operation of golf carts on city streets;**
- b. An introduction of an ordinance to amend Chapter 82, Article II, Sections 82-26, 82-27, and 8-28 of the Code of Ordinances and adopt the Michigan Vehicle Code; and**
- c. An introduction of an ordinance to amend Chapter 82, Article III, Section 82-55 of the Code of Ordinances regulating parking of golf carts.**

*Background Information:*

The City Council will be asked to consider a series of approvals which would allow for the seasonal operation of golf carts on public streets.

On Friday, July 31, 2015, the city received a formal citizen's request for the city to permit the continued operation of private golf carts on city streets. The request was made after the citizen had completed the purchase of what was intended to be a "street legal" golf cart. The cart was reviewed, inspected, and approved by the South Haven Police Department. When the golf cart's owner attempted to secure registration for the cart from the Michigan Secretary of State's office, the owner was informed that the State of Michigan was no longer allowing privately owned golf carts to be registered for on street usage, but local units of government could grant the golf cart allowance.

The city's attorney has found that Section 657a of the Michigan Vehicle Code, MCL 257.1 et seq., ("MVC"), authorizes a city with a population of fewer than 30,000 to allow, by resolution, operation of golf carts on its streets.

This statute imposes restrictions on the operation of golf carts within a city, including the following:

- 1) Operators must be at least 16 years of age and have a valid driver's license.
- 2) Operators must comply with signal requirements set forth in MCL 257.648 (i.e. using hand signals to signal a turn, etc.).
- 3) Golf carts must be driven as close to the right side of the roadway as practicable, with a maximum speed limit is 15 mph.
- 4) Golf carts may not be operated from 1/2 hour before sunset to 1/2 hour after sunrise.
- 5) Golf carts may not be operated on pedestrian sidewalks or on state line trunk highways (except to cross highways).

Should the City Council wish to permit the usage of golf carts on local streets, a practical approach would be through the (i) adoption of the entire MVC by reference, enabling the city to (ii) authorize the operation of golf carts in the city by adopting a resolution. If the City Council does adopt a resolution authorizing the use of golf carts on its streets, the city may also wish to amend its parking regulations to require golf carts to be properly parked.

The city's attorney has prepared draft ordinances and a resolution for the City Council's consideration. The first ordinance would amend Chapter 82 of the City Code to adopt the MVC by reference, as well as to refine the city's previous adoption of the Uniform Traffic Code. The proposed DRAFT resolution would allow operation of the golf cars in accordance with the restrictions set forth in MCL 257.657a, but only during a seasonal period beginning April 15 and ending October 15 (as obvious weather conditions may make operation of the golf carts impractical and dangerous outside of this period). The resolution also includes a sunset provision, that the resolution will no longer be effective after one year, unless readopted by the City Council, allowing the city to easily discontinue the operation of golf carts. The second ordinance also amends Chapter 82 of the City Code, to make the city's parking regulations applicable to golf carts.

As noted in the city attorney's correspondence, the City of Ludington has recently adopted an ordinance which mirrors the language of the state statute allowing golf carts on city streets and contains a sunset provision. While Ludington has elected to authorize this use by ordinance, the attorney's recommendation is that the city adopt the MVC and then subsequently adopt a resolution allowing the operation of golf carts, as the language of MCL 257.657a implies that such action should be taken by resolution.

Tom Martin, Police Chief for the City of South Haven, spoke briefly on this matter to City Council.

Rob Keorkunian, of 815 E. Wells Street, South Haven, spoke to the Council on this matter.

Moved by Gruber, seconded by Fitzgibbon, to introduce an ordinance to amend Chapter 82, Article II, Sections, 82-26, 82-27, and 82-28 of the Code of Ordinances and adopt the Michigan Vehicle Code.

Voted Yes: All. Motion carried.

Moved by Fitzgibbon, seconded by Patterson, to introduce an ordinance to amend Chapter 82, Article III, Section 82-55 of the Code of Ordinances regulating parking of golf carts.

Voted Yes: All. Motion carried.

**11. Council will be asked to approve Resolution 2015-39, a resolution supporting the Lake Michigan Trails Network.**

*Background Information:*

The City Council will be asked to consider approval of Resolution 2015-39, a resolution of support for the Lake Michigan Trails Network.

The Lake Michigan Trails Network is a group that is working to promote Lake Michigan as a world-class recreational touring destination for biking, driving, hiking and paddling. One lake, four states, and a travel destination that connects people to adventure and exploration on multiple types of trail systems allowing continuous recreational travel around Lake Michigan, at or near the shore in the shoreline states of Michigan, Indiana, Illinois, and Wisconsin. Lake Michigan has over 1,600 miles of shoreline and over 22 million people live within a two-hour drive. Lake Michigan can have a very unique trail experience and have a significant economic impact.

The idea of a four-state, multi-modal trail emerged in 2012 at a conference in Saugatuck, Michigan. Conference participants envisioned expanding the original Lake Michigan Circle Tour scenic byway to include paddling, bicycling, and hiking trails to encourage people to play more and stay longer on our shores. A four-state planning group was formed – The Lake Michigan Trails Network. The network provides a mechanism for coordinated planning, marketing, and communication between state members. They conduct regular conference calls and an annual face-to-face meeting with the goal of implementing continuous recreational trails around Lake Michigan.

By signing the Resolution of Support, the City would become part of the Lake Michigan Trails Network and as a supporter, would be kept informed on progress.

Moved by Patterson, seconded by Klavins, to approve Resolution 2015-39, a resolution supporting the Lake Michigan Trails Network.

Voted Yes: All. Motion carried.

**12. Council will be asked to approve Resolution 2015-41, a resolution authorizing a grant application for Black River Park fish cleaning station and committing local funds to match the grant award.**

*Background Information:*

Staff is seeking City Council approval to submit a grant application for a Fish Cleaning Station at Black River Park. The proposed site is located on the gravel parking lot outside of the boat launch gate at Black River Park. The grant request is for \$244,163.97, which is 50% of the project cost of \$488,327.95.

The project description is as follows:

In order to support and improve shore based fishing access, South Haven will submit a 2015 Access to the Great Lakes Fishery grant application for 50% funding of a no-fee, modern, ADA fish cleaning station with ADA public restrooms, a paved drive up/drop off unloading drive with sidewalks, and handicap parking in Black River Park to facilitate cleaning for all ages and mobility levels of anglers.

The Black River Park Fund is the source for funding this improvement. It has a current balance of \$265,568, and this will increase by the time of grant award, if successful.

Moved by Fitzgibbon, seconded by Arnold, to approve Resolution 2015-41, a resolution authorizing a grant application for Black River Park fish cleaning station and committing local funds to match the grant award.

Voted All: Yes. Motion carried.

**13. Council will be addressed by Enriqueta Turanzas on behalf of Valor Training Center to give a short presentation.**

John Michael McCormack and his father, Greg McCormack, spoke to the Council regarding Valor Training Council.

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

No public comment at this time.

**15. City Manager's Comments**

Police Department will be having a field training exercise on August 20th at Lincoln Elementary School with multiple agencies. We want the public to know that this is a training exercise from 10:00 a.m. to approximately 4:00 p.m.

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

Jeff Arnold – Please be aware of the training exercise at Lincoln School this week.

Suzie Fitzgibbon – No comment

Clark Gruber – No comment

Andy Klavins – No comment

Vickiy Kozlik Wall – No comment

Gail Patterson – No comment

Mayor Bob Burr – Would like to staff to give a report on the drawbridge at next meeting.

City of South Haven  
Regular Meeting Council Minutes  
City Hall, Council Chambers  
7:00 p.m., Monday, August 17, 2015

### 17. Adjourn

Moved by Kozlik Wall, seconded by Klavins, to adjourn the meeting.

Voted Yes: All. Motion carried. Meeting adjourned at 8:33 p.m.

RESPECTFULLY SUBMITTED,

A handwritten signature in black ink that reads "Kate Hosier". The signature is written in a cursive style with a prominent initial "K".

Kate Hosier  
Deputy City Clerk  
City of South Haven

Approved by City Council: **September 8, 2015**