

City Council

Regular Meeting Minutes

Tuesday, September 8, 2015
7:00 p.m., Council Chambers



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

2. Invocation – Moment of Silence

3. Roll Call

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

4. Approval of Agenda

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

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

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

- A. Council will be requested to approve the City Council Minutes for August 17, 2015.
- B. Council will be asked to approve invoices totaling \$1,099,551.72 for the period ending September 7, 2015 to be approved and forwarded to the Clerk and Treasurer for payment.
- C. Council will be requested to approve the proposal from Abonmarche for design and construction administration of the Black River Park Fishing Platform project in the amount of \$21,550.00.
- D. Council will be requested to approve a proposal from Secant Technologies to upgrade the server in the amount of \$23,961.00.
- E. Council will be asked to approve the following minutes:
 - 1) July 9, 2015 Planning Commission minutes;
 - 2) July 20, 2015 Zoning Board of Appeals minutes;
 - 3) July 21, 2015 Harbor Commission minutes;
 - 4) July 21, 2015 Liberty Hyde Bailey Museum minutes;
 - 5) July 22, 2015 South Haven Housing Commission minutes;
 - 6) July 27, 2015 Board of Public Utilities minutes;
 - 7) August 4, 2015 Liberty Hyde Bailey Museum special board meeting 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 adopt an amendment to the ordinance regulating long grasses.

Background Information:

The City Council will be asked to consider a motion to approve 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 Fitzgibbon, seconded by Patterson, to adopt an amendment to the ordinance regulating long grasses.

Voted Yes: All. Motion carried.

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

- a. Adopt 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;**
- b. Adopt of an ordinance to amend Chapter 82, Article III, Section 82-55 of the Code of Ordinances regulating parking of golf carts; and**
- c. Adopt Resolution 2015-40, a resolution allowing the operation of golf carts on city streets.**

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.

Finally, at the August 17th regular meeting, the City Council introduced two ordinances amendments related to the golf cart allowance. Further, the City Council discussed a variety of items related to the golf cart allowance, for possible inclusion in the authorizing resolution. Those items related to vehicle safety equipment (e.g., seatbelts, head lights, tail lights, horn, etc.,) hours of operation, local inspection requirements, and insurance requirements. The city's attorney has actively reviewed those requests and consistently recommended that the City Council follow the guidelines established in the state law. Specifically, the attorney's recommendation is that if the City Council wishes to allow golf carts on city streets, that the City Council adopt the authorizing resolution which is in compliance with the state statute.

Moved by Patterson and seconded by Fitzgibbon to adopt 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.

Voted Yes: All. Motion carried.

Moved by Fitzgibbon and seconded by Klavins to adopt of 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.

Rosalie Plechaty, of 559 Monroe Boulevard, urged City Council to not allow operation of golf carts on city streets.

Moved by Patterson and seconded by Klavins to adopt Resolution 2015-40, a resolution allowing the operation of golf carts on city streets.

A Roll Call Vote was taken:

Yeas: Gruber, Klavins, Patterson, Arnold, Burr

Nays: Kozlik Wall, Fitzgibbon

Motion carried.

NEW BUSINESS

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

- a. Special Event Application 2015-27, the Mitten Made – Michigan Made Art & Craft Show, Last Dash Holiday Shopping on December 19, 2015 from 10:00 a.m. to 5:00 p.m. along Dyckman Avenue and Black River Street.**

Background Information:

The South Haven Center for the Arts would like to host an art and craft show on December 19, 2015 from 10:00 am to 5:00 pm. This will be an all Michigan arts and crafts show for the holidays and last minute holiday shopping. Booths will run along Dyckman Avenue and Black River Street. The Maritime Museum will do events in conjunction with this event to boost tourism for the weekend. There will also be other non-profits and local retailers invited to have their own booths.

Moved by Fitzgibbon and seconded by Patterson to table Special Event Application 2015-27, the Mitten Made – Michigan Made Art & Craft Show, Last Dash Holiday Shopping on December 19, 2015 from 10:00 a.m. to 5:00 p.m. along Dyckman Avenue and Black River Street until information was received from the event sponsors.

Voted Yes: All. Motion carried.

- b. Special Event Application 2015-28, Rhythm on the River to be held on July 23, 2016 from 9:00 a.m. to 11:00 p.m. at Riverfront Park.**

Background Information:

Foundry Hall would like to have a 1 day music festival on July 23, 2016 from 9:00 am to 11:00 pm at Riverfront Park. This event features local food, beer, and musicians. Riverfront Park would be used for a stage and beer garden, like Harborfest and Blueberry Fest. Water Street would be closed off from Kalamazoo Street to Maple Street for food vendors. Insurance and liquor license will be provided closer to event.

Ben Holt, from Foundry Hall, spoke to City Council on this event.

Deputy Chief Natalie Thompson answered questions posed by the City Council about the noise ordinance and other events.

Rosalie Plechaty spoke to City Council in support regarding this event.

Moved by Kozlik Wall and seconded by Fitzgibbon to approve Special Event Application 2015-28, Rhythm on the River to be held on July 23, 2016 from 10:00 a.m. to 11:00 p.m. at Riverfront Park.

Voted Yes: All. Motion carried

- c. Special Event Application 2015-29, Zombie 5K Run/Stroll to be held on October 17, 2015 from 2:00 p.m. to 8:00 p.m. starting at Riverfront Park.**

Background Information:

The Youth Development Company would like to hold "The Walking Dead" Zombie 5k run/stroll on October 17, 2015 from 2:00 pm to 8:00 pm. This is a fun run and not a certified 5k. The participants will be released in 15 minute increments wearing 3 life flags. Zombies will be staged throughout the course trying to steal the life flags. There will be water stations and an aid station. A finishing ceremony will be held at Riverfront Park, where awards will be given and light refreshments will be served.

Moved by Fitzgibbon and seconded by Kozlik Wall to approve Special Event Application 2015-29, Zombie 5k Run/Stroll to be held on October 17, 2015 from 2:00 p.m. to 8:00 p.m. starting at Riverfront Park.

Voted Yes: All. Motion carried

d. Special Event Application 2015-30, Special Olympics and Law Enforcement Torch Run on September 16, 2015 from 10:00 a.m. to 12:00 p.m. at the corner of Eagle and Kalamazoo Streets.

Background Information:

Special Olympics Michigan is requesting to have their Special Olympics and Law Enforcement Torch Run on September 16, 2015 from 10:00 am to 12:00 pm at the corner of Eagle and Kalamazoo. This event is a community run to create awareness for Special Olympics Michigan and Law Enforcement Torch Run.

Moved by Patterson, seconded by Kozlik Wall to approve Special Event Application 2015-30, Special Olympics and Law Enforcement Torch Run on September 16, 2015 from 10:00 a.m. to 12:00 p.m. at the corner of Eagle and Kalamazoo Streets.

Voted Yes: All. Motion carried

9. Council will be asked to adopt Resolution 2015-42, a resolution setting the 2016 seasonal and transient slip rates for the South Haven Municipal Marinas.

Background Information:

Staff recommends renewal of the 2015 rates with the following changes:

Marina Rates:

Staff recommends a two percent increase in seasonal rates for North Side Marina and Black River Park. No increase is recommended for Maritime Marina slips.

Staff recommends a seasonal discount rate as follows:

After August 1, seasonal slips may be rented for an amount equal to an amount of the seasonal slip fee prorated by the number of days in the season multiplied by 1.5, using the following formula:

$(\text{Remaining Days in Season}) / (\text{Total Days in Season}) * \text{Seasonal Slip Fee} * 1.5$

This is in addition to existing discounts used in previous years.

Transient Rates:

No changes unless the State makes changes in the applicable rate.

Boat Launch Rates:

No changes.

At its August 18 meeting, Harbor Commission recommended the attached marina rate resolution to City Council.

Harbormaster Paul Vandenbosch spoke to City Council on this matter.

Moved by Gruber, seconded by Kozlik Wall, to approve Resolution 2015-42, a resolution setting the 2016 seasonal and transient slip rates for the South Haven Municipal Marinas.

Voted Yes: All. Motion carried.

10. Council will be asked to approve the Tour Boat License Agreement for the remainder of the 2015 season and the 2016 season.

Background Information:

Earlier this year, City Council approved a license agreement with IT-IL-DO Charters, LLC for a tour boat operation to be moored at South Side Marina. The tour boat is in the process of being inspected by the Coast Guard and may be approved for use soon.

We have received approval of our DEQ permit for expansion of the marina. Staff has published bids and has been working on the electric pedestal installation, and is prepared to modify the dock for the tour boat.

When the license agreement was approved, we discussed prorating the fee based on when the boat began mooring at the marina. We would like to add the 2016 season to the license agreement. The attached license agreement would prorate the slip fee for the remainder of the season, and would add the 2016 season to the agreement. At its August 18 meeting, the Harbor Commission voted to recommend that City Council approve the license agreement.

Chad Bard, owner of the tour boat, spoke to City Council on this matter.

Harbormaster Paul Vandenbosch spoke to City Council on this matter.

Moved by Fitzgibbon, seconded by Patterson to approve the Tour Boat License Agreement for the remainder of the 2015 season and the 2016 season.

Voted Yes: All. Motion carried.

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

No public comment.

12. City Manager's Comments

- a. No comment from City Manager Brian Dissette

- b. City Engineer Larry Halberstadt addressed City Council and provided an update on the bascule bridge repairs.

13. Mayor and Councilperson's Comments

Arnold: The first day of school went great at the high school.
Gruber: Great job by SHAES in the Richard Wheeler Memorial Service.
Fitzgibbon: No comment
Klavins: No comment
Kozlik Wall: Pay attention to the school buses and follow the rules of the road.
Patterson: No comment
Burr: No comment

14. Adjourn

Moved to adjourn by Patterson, seconded by Klavins.

Voted Yes: All. Motion carried. Meeting adjourned at 8:08 p.m.

RESPECTFULLY SUBMITTED,



Kate Hosier
Deputy City Clerk
City of South Haven

Approved by City Council: **September 21, 2015**