

City Council

Regular Meeting Minutes

Monday, September 21, 2015
7:00 p.m., Council Chambers



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

2. **Invocation – Mr. Craig Massey, Pastor Candidate, of Hope Reformed Church**

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 C (Roll Call Vote Required)**

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

A. Council will be requested to approve the City Council Minutes for September 8, 2015.

B. Council will be asked to approve invoices totaling \$4,394,539.26 for the period ending September 7, 2015 to be approved and forwarded to the Clerk and Treasurer for payment.

C. Council will be asked to approve the following minutes:

- 1) August 11, 2015 Parks Commission minutes; and
- 2) August 19, 2015 Liberty Hyde Bailey Museum meeting minutes.

A Roll Call Vote was taken:

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

Nays: None.

Motion Carried

NEW BUSINESS

6. **Council will be asked to consider approval of the Sewer Discharge Agreement with Global Remediation Technologies, on behalf of the Michigan Department of Environmental Quality.**

Background Information:

The Belgravia site is a former factory built around 1916. The property is located at 125 Elkenburg Street and consists of 2.14 acres of land with a brick building up to three stories high. The factory was used for various purposes, including pipe organ assembly, picture frame construction, wood working, and cyanide-based metal plating. Former businesses at the site disposed of their chemical waste to a septic tank, which discharged to a drain field and the sewer system. The plating company filed for bankruptcy around 1979. A developer purchased the site in 1997 and converted the building into a fitness center and condominiums.

The State of Michigan considers this an “orphan site” where there is no liable party or company responsible for cleanup. The Michigan Department of Environmental Quality (MDEQ) Remediation and Redevelopment Division (RRD) contracted with Global Remediation Technologies, Inc. (GRT) to provide environmental engineering related to this site.

GRT on behalf of the MDEQ RRD has requested a variance to the Code of Ordinances under Section 86-156, titled Stormwater Disposition. The purpose of the request is to assist with satisfying a portion of the Belgravia Site Environmental Concern; a slowly migrating chemical impact. The details of the request are included in the attached documents and will be presented to City Council. City staff and the city’s Industrial Pretreatment Program (IPP) Consultant reviewed the information relative to effects on the Waste Water Treatment Plant, its permit, and the receiving waters with GRT and requested additional clarifications and safeguards which were included in Addendum #1. The city’s IPP Consultant states that the risk to the city and surface water from this discharge appears to be minimal at this time.

At the July 27, 2015 regular meeting of the Board of Public Utilities (BPU), GRT presented the attached Request for Variance to the Ordinance under Section 86-156, titled Stormwater Disposition and Addendum #1. After extensive review and discussion, the BPU provided unanimous approval of a recommendation to City Council “to grant the Department of Environmental Quality permission to plumb sump discharge piping into the sanitary sewer from residential sewers at 107 Orchard Drive and 108 Orchard Drive for a period up to seven (7) years or whenever the sampling results fall below a certain threshold to be submitted.” The BPU also requested a definition of the threshold for disconnection. This was then provided by GRT in Addendum #2.

Following the BPU’s recommendation, the city attorney reviewed the file and determined that the requested variance is not actually needed, because of Section 86-96 of the city code permits the city to enter into agreements for the treatment of wastewater of an unusual character. Accordingly, the city attorney prepared an agreement which authorizes GRT to plumb sump discharge piping into the sanitary sewer from the Belgravia site, as requested.

GRT and MDEQ have both reviewed the draft agreement and have indicated that the document is acceptable.

Speakers:

Scott G. Smith, General Counsel for the City of South Haven, spoke to the City Council regarding this agreement.

Richard Raetz, President of Global Remediation Technologies, Inc., gave a brief presentation on the remediation efforts to take place at the Belgravia site and answered questions posed by Council.

Moved by Patterson, seconded by Kozlik Wall to approve the Sewer Discharge Agreement with Global Remediation Technologies, on behalf of the Michigan department of Environmental Quality.

Voted Yes: All. Motion carried.

7. 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.

Thea Grigsby, Executive Director for the Center of the Arts, spoke to the Council regarding this event.

Moved by Fitzgibbon, seconded by Kozlik Wall, to approve 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.

Voted Yes: All. Motion carried.

- b. Special Event Application 2015-31, Haven Harvest on October 17, 2015 from 10:00 a.m. to 9:00 p.m. with events to be held in various parts of the Central Business District.**

Background Information:

DASH is requesting to have an event called Haven Harvest on October 17, 2015. This event is to celebrate the harvest and autumn. There will be a pie baking contest, restaurant server races, a pumpkin toss, polka dancing, hay rides and more. The Zombie 5K run/stroll that was approved at the last City Council meeting will also be part of this event.

Roxanne Leder, owner of Decadent Dogs and representative of D.A.S.H. (Downtown Association of South Haven), spoke to Council regarding this special event application.

Moved by Kozlik Wall, seconded by Fitzgibbon, to approve Special Event Application 2015-31, Haven Harvest on October 17, 2015 from 10:00 a.m. to 9:00 a.m. with events to be held in various parts of the Central Business District.

Voted Yes: All. Motion carried.

8. Council will be asked to consider approval of the requests from the Michigan Department of Transportation for a grant of right-of-way and consent to grade, as part of the planned traffic signal upgrade at the Phoenix and Broadway intersection.

Background Information:

Over the past several years, the Michigan Department of Transportation (MDOT) has been planning traffic signal upgrades for the intersections of Aylworth Avenue with Lagrange Street and Broadway Street with Phoenix Street. The City has been working closely with MDOT on the design of the new signal at Broadway and Phoenix Streets. The proposed signal will be supported on black powder coated steel strain poles and mast arms. This signal will be similar in appearance to the City's traffic signals located at Phoenix and Center Streets and Phoenix and Kalamazoo Streets.

In order to proceed with the project, MDOT has been working to acquire additional right-of-way on the northeast and southeast quadrants of the intersection. The property at the southeast quadrant has an address of 600 Phoenix Street and is owned by the City of South Haven. The City leases this parcel to the Center for the Arts. MDOT is requesting that the City grant additional right-of-way adjacent to the back of the existing sidewalk for placement of a new traffic signal strain pole and foundation. The proposed right-of-way will allow MDOT to construct the new traffic signal pole while leaving the existing traffic signal in service. It will also ensure that adequate space is available for construction of accessible sidewalk ramps. The total square footage to be acquired is 66 square feet. MDOT has calculated the value of this property as \$368 and made a good faith offer of \$500.

The area to be acquired is currently finished lawn area. It also contains the existing traffic signal pole that will be removed at the conclusion of the MDOT project and a South Haven wayfinding sign that may need to be relocated by City staff. Granting a right-of-way to MDOT for the use of this land will not interfere with the current use of the property by the Center for the Arts.

In addition to the right-of-way, MDOT is requesting a consent to grade along the west side of the Center for the Arts building. This will permit MDOT to remove the existing traffic signal control box that is adjacent to the building. The new traffic signal controller will be located adjacent to the 5/3 Bank parcel.

Larry Halberstadt, City Engineer, spoke to Council regarding this item and answered questions posed by councilmembers.

Moved by Patterson, seconded by Gruber, to approve the requests from the Michigan Department of Transportation for a grant of right-of-way and consent to grade, as part of the planned traffic signal upgrade at the Phoenix and Broadway intersection.

Voted Yes: All. Motion carried.

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

No public comment.

10. City Manager's Comments

No public comment.

11. Mayor and Councilperson's Comments

Kozlik Wall: No comment.

Gruber: Don't forget, this is Homecoming Week!

Fitzgibbons: No comment.

Patterson: Thanks to city staff for their prompt response to handling problems that arose last week.

Arnold: Homecoming parade this Friday at 5:00 p.m. on Phoenix Street.

Klavins: No comment.

Burr: Road grader has been positioned at the Van Buren Trail which means that construction will start during the next week. MDOT will be placing gravel down and paving the 4 miles to the Van Buren State Park. Keep your eye on this development as this 3-year project should be concluded before the end of October.

12. Adjourn

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

Voted Yes: All. Motion carried. Meeting adjourned at 7:42 p.m.

RESPECTFULLY SUBMITTED,



Kate Hosier
Deputy City Clerk

Approved by City Council: **October 5, 2015**