

# City Council

## Regular Meeting Minutes

Monday, December 7, 2015  
7:00 p.m., Council Chambers



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

### 2. Invocation – Pastor Eric Jarvis of First Assembly of God

### 3. Roll Call

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

### 4. Approval of Agenda

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

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

Moved by Patterson, seconded by Kozlik Wall, to approve the consent agenda.

- A. Council will be requested to approve the City Council regular minutes for November 16, 2015.
- B. Council will be requested to approve the City Council Special Workshop minutes for November 16, 2015.
- C. Council will be asked to approve invoices totaling \$721,345.63 for the period ending December 6, 2015 to be approved and forwarded to the Clerk and Treasurer for payment.
- D. Council will be requested to award the purchase of one 2016 Ford Escape SE to Woodhams Ford of South Haven, Michigan in the amount of \$24,182.00.
- E. Council will be requested to award the contract for routine inspection, fracture critical inspection, and Metric #19 compliance to Hardesty & Hanover in the amount of \$19,534.25.
- F. Council will be asked to approve the following minutes:
  - 1) September 22, 2015 South Haven Area Recreation Authority minutes;
  - 2) July 22, 2015 Construction Board of Appeals minutes;
  - 3) October 20, 2015 Harbor Commission minutes; and
  - 4) October 28, 2015 South Haven Housing Commission (SHHC) minutes;

A Roll Call Vote was taken:

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

Motion Carried

## NEW BUSINESS

- 6. Council will be asked hold a public hearing and to approve Resolution 2015- 47, a resolution to approve a 425 agreement with South Haven Charter Township, impacting property located at 09220 S. 76<sup>th</sup> Street, South Haven, Michigan.**

Moved by Kozlik Wall, seconded by Patterson, to open the public hearing regarding the 425 Agreement impacting property located at 09220 S. 76<sup>th</sup> Street, South Haven, Michigan.

Voted Yes: All. Motion carried. Public hearing open.

Brian Dissette, City Manager, spoke to the Council regarding this matter.

Moved by Kozlik Wall, seconded by Fitzgibbon, to close the public hearing regarding the 425 hearing impacting property located at 09220 S. 76<sup>th</sup> Street, South Haven, Michigan.

Voted Yes: All. Motion carried. Public hearing closed.

Moved by Fitzgibbon, seconded by Patterson, to approve Resolution 2015-47, a resolution to approve the 425 agreement with South Haven Charter Township impacting property located at 09220 S. 76<sup>th</sup> Street, South Haven, Michigan.

Voted Yes: All. Motion carried.

- 7. Council will be asked to approve Resolution 2015-48, a resolution adjusting the water/sewer connection fees and modifying the Utility Policy as recommended by the Board of Public Utilities.**

Brian Dissette, the City Manager, and Larry Halberstadt, the City Engineer, spoke to the Council regarding this item.

Patrick McKernan, addressed the City Council regarding this item.

Elaine Herbert, 140 North Shore Drive, addressed the City Council concerning this item.

Sanford Jensen, of California, addressed the City Council regarding this item.

Pat Gaston, 97 Superior Street, addressed the City Council regarding this item.

James Leppa, 263 Cherry Court, addressed the City Council regarding this item.

Mary Callahan, 21 Cass Street, addressed the City Council regarding this item.

Barb Calhoun, 862 Monroe Blvd, addressed the City Council regarding this item.

Moved by Patterson, seconded by Kozlik Wall, to approve Resolution 2015-48, a resolution adjusting the water/sewer connection fees and modifying the Utility Policy as recommended by the Board of Public Utilities.

Voted Yes: Arnold, Fitzgibbon, Klavins, Kozlik Wall, Patterson, and Burr  
Voted No: Gruber  
Motion carried.

**8. Council will be requested to take the following actions regarding the city's Electric Fund Energy Optimization program:**

**a. Authorize the City Manager to execute the MECA Letter Agreement for Administrative Services;**

Moved by Fitzgibbon, seconded by Klavins, to authorize the City Manager to execute the MECA Letter Agreement for Administrative Services.

Voted Yes: All. Motion carried.

**b. Authorize the City Manager to approve payments to MECA in accordance with the Letter of Agreement not to exceed a total of \$258,658 during the 2016 calendar year;**

Moved by Patterson, seconded by Fitzgibbon, to authorize the City Manager to approve payments to MECA in accordance with the Letter of Agreement not to exceed a total of \$258, 658 during the 2016 calendar year.

Voted Yes: All. Motion carried.

**c. Introduce an Ordinance to Amend Rates for the City of South Haven Utilities.**

Moved by Fitzgibbon, seconded by Klavins, to introduce an Ordinance to Amend Rates for the City of South Haven.

Voted Yes: All. Motion carried.

**9. Council will be asked to introduce the zoning amendments to the zoning ordinance as proposed by the Planning Commission.**

Linda Anderson, Zoning Administrator, addressed the City Council regarding the zoning amendments to the zoning ordinance.

Moved by Patterson, seconded by Fitzgibbon, to introduce the zoning amendments to the zoning ordinance as proposed by the Planning Commission.

Voted Yes: All. Motion carried.

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

Susan Ryan, 37 Cass Street, addressed the City Council regarding zoning concerns.

Jack Fitzer, of Monroe Park, addressed the City Council regarding zoning concerns.

Trent Morgan, 201 Center, addressed the City Council regarding housing and zoning concerns.

Robert Kripaitis, 404 North Shore Drive, addressed the City Council regarding zoning concerns.

Connie Schaffer, 735 North Shore Drive, addressed the Council regarding a prior speaker.

Dorothy Appleyard, 806 Wilson, addressed the City Council regarding zoning and rental ordinance concerns.

Sanford Jensen, of California, addressed the City Council regarding a rental ordinance.

Pat Gaston, 97 Superior, addressed the City Council regarding homestead concerns.

Elaine Herbert, 140 North Shore Drive, addressed the City Council regarding zoning concerns.

Gerald Webb, 508 North Shore Drive, addressed the City Council regarding zoning concerns.

James Leppa, 263 Cherry Court, addressed the City Council regarding rental concerns and the effect on the city's economy.

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

Planning Commission is working on rental ordinance. It will be a document that represents the entire community and is legally enforceable and similar to other lakeshore communities. We are making progress.

We did receive notice from the State of Michigan of four projects that will be funded. They include the Bicycle Pump Track, Skid Pier Replacement at Black River Park, Restroom Upgrades at Black River Park, and North Beach project. The total amount of the four grant funding comes to approximately \$417,000. The grant cycle is such that the contracts won't come in until spring 2016. With the North Beach, it will require off season construction and address utilities that have been a source of concern. North Beach construction is likely to be done in the fall of 2016, but more likely during fall of 2017.

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

Klavins: Thank you for your comments. He's been on Council for 5 years. He has seen a lot of change – the loss of 500 jobs when two plants shut down. We are doing everything can do to get companies to come in. He is on the LDFA board and they have been acquiring properties and fixing them up to get companies to come in and bring jobs. We as a Council have been trying to make the town look well and grab the State grant dollars that are available. We have received over \$9 million dollars in grants and matching funds. He does represent his ward and respects and listens to all sides. We are listening to you.

Arnold: Thanks for coming. We are listening and have received your letters, emails, and calls. We appreciate the feedback.

Patterson: Thanks for coming out – if this blows over soon, please stay connected with what is going on with your city. You want to be part of the decision making even if it doesn't affect you directly. We thank the volunteers that serve, without pay, on our boards and commissions. Thank you to city staff for their hard work.

Fitzgibbon: She doesn't have any rental property in the city. She appreciates all comments. She's been here for 30 years and raised her kids here. The city has changed. We are listening and do have compassion for what is going on. We want change, too.

Gruber: Apologizes for not feeling well tonight. Thank you for coming out. As for homestead or PRE's – if there is someone you think is violating that please contact the city staff. They will look into it since we share an investigator with Berrien County. Change is happening. That is the school's money and it shouldn't be missed out. The rental ordinance is a comprehensive approach. We have some building ordinance changes that we've been working on and off since 2011. There won't be just one ordinance but a multi-faceted approach.

Kozlik Wall: We serve on Council because we have love and passion for this city. Be a true community – partner with your neighbors and city hall. Browbeating people doesn't get you very far. Bad behavior doesn't help anyone and doesn't set a good example for our children. She listens to everyone in her ward – it is the most diverse ward. She works with all levels and all people. She tries hard to listen and be fair. When she voted "No" on the moratorium she also agreed that we do need a rental ordinance. We need to be kind to each and agree to disagree. Thanks the City Manager, volunteers on the Planning Commission, and Linda Anderson for their work.

Burr: Reminds everyone that we did try to accomplish a number of things in changing the zoning ordinance. The zoning ordinance is 20 years old and we are not the ones that created it. We are simply the ones administering what is there. This issue came to us in October. We have tried to act as fast as we could. He notes that South Haven has become almost a retirement community. The median age is 50 meaning that have the population is older than 50 and half are under. For the entire state of Michigan, the median age is 40. Thanks everyone who put up Christmas lights.

**13. City Council will be asked to go into closed session pursuant to the Michigan Open Meetings Act; Public Act No. 267 of 1978; 15.268; Section 8(a) for annual personnel evaluation for the City Manager.**

Moved by Fitzgibbon, seconded by Patterson, to go into closed session pursuant to the Michigan Open Meetings Act; Public Act No. 267 of 1978; 15.268; Section 8(a) for annual personnel evaluation for the City Manager.

A Roll Call was taken:

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

Nays: None

Motion carried. Council adjourned into closed session at 8:54 p.m.

Moved by Kozlik Wall to return to return to open session. Seconded by Fitzgibbon.

Voted Yes: All. Motion carried. Council returned to open session at 9:25 p.m.

**14. Adjourn**

Moved by Gruber, seconded by Klavins, to adjourn the meeting.

Voted Yes: All. Motion carried. Meeting adjourned at 9:28 p.m.

RESPECTFULLY SUBMITTED,

A handwritten signature in black ink, appearing to read "Kate Hosier". The signature is written in a cursive, flowing style.

Kate Hosier  
Deputy City Clerk

APPROVED BY CITY COUNCIL: