

## City Council

### Regular Meeting Minutes

Monday, August 19, 2013  
7:00 p.m., Council Chambers



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

#### 2. Invocation

- Pastor Aaron Cobbs – Spiritual Church of Christ

#### 3. Roll Call

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

Absent: None

#### 4. Approval of Agenda

Moved by Gruber to approve the agenda with the addition of 11a. Seconded by Klavins.

Voted Yes: All. Motion Carried.

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

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

- A. Council will be requested to approve the City Council Minutes of August 5, 2013.
- B. Bills totaling \$2,053,389.77 for the period ending August 20, 2013 be approved and forwarded to the Clerk and Treasurer for payment.
- C. City Council will receive an interim financial report.
- D. City Council will be requested to approve health insurance changes.

A Roll Call Vote was taken:

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

Nays: None

Motion carried

#### UNFINISHED BUSINESS

#### 6. City Council will be asked to consider the following items regarding the Elbe & Sohn IFT:

- A. Hold public hearing regarding Elbe & Sohn IFT
- B. Approve Resolution 2013-48 regarding the approval of the Elbe & Sohn IFT.

**Background Information:** The City Council will be asked to consider approval of a resolution related to an Industrial Facilities Tax Exemption Certificate for Elbe & Sohn, located at 1875 Dewey Lane.

The tax request, which totals \$513,763, is for personal property acquired by the company, and is part of the company's solar panel project. The solar panels are intended to provide electricity to the company's Dewey Lane facility. The applicant notes that the company anticipates retaining twenty seven (27) existing jobs at their facility as a result of the project.

Elbe & Sohn has been located in the City of South Haven since 2001. The company, which is based in Europe, created a presence in the United States in the mid 1980's. The company focuses on the assembly of propeller shafts for various applications. The company also produces double joints for powered steering axles, ball and socket joints, and input and output yokes.

The estimated total value of the Industrial Facilities Tax Exemption Certificate for Elbe & Sohn is \$26,412 over the 12 year life of the agreement. The tax exemption does include a "claw-back" provision, which allows the City of South Haven to seek the abated tax amount if the terms of the abatement are not met by the business.

**Item A: Hold public hearing regarding Elbe & Sohn IFT**

Moved by Fitzgibbon to open the public hearing regarding Elbe & Sohn IFT.  
Seconded by Kozlik Wall.

A Roll Call Vote was taken:

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

Motion carried

No public comment at this time.

Moved by Kozlik Wall to close the public hearing regarding Elbe & Sohn IFT.  
Seconded by Patterson.

Voted Yes: All. Motion carried

**Item B: Approve Resolution 2013-48 regarding the approval of the Elbe & Sohn IFT**

Moved by Fitzgibbon and seconded by Patterson to approve Resolution 2013-48 regarding approval of the Elbe & Sohn IFT.

Voted Yes: All. Motion carried.

NEW BUSINESS

**7. City Council will be asked to consider the introduction of an Ordinance to amend the official map of the South Haven zoning ordinance to rezone 16.8 acres from industrial I-1B to industrial I-1.**

*Background Information:* At the June 6, 2013 meeting, the Planning Commission heard public comments relating to a request from the LDFA to rezone 16.8 acres from the I-1B Industrial zoning to I-1 Light Industrial zoning district. The subject properties are located at 220 Aylworth and 1280 Kalamazoo Streets as shown on the attached map.

Following the public hearing where no comments were received, the Planning Commission unanimously approved a resolution recommending adoption of the rezoning to City Council (attached).

Moved by Gruber, seconded by Kozlik Wall to approve the introduction of an Ordinance to amend the official map of the South Haven zoning ordinance to rezone 16.8 acres from industrial I-1B to industrial I-1.

Voted Yes: All. Motion Carried.

**8. City Council will be asked to consider the introduction of an Ordinance to amend section 201 of the South Haven zoning ordinance to define easement and private road.**

*Background Information:* In August of 2012, the zoning board of appeals (ZBA) heard a request for zoning ordinance interpretation involving private streets and easements. The interpretation was required in part because the zoning ordinance did not include definitions for easements and private streets.

Staff requested that the city attorney review the easement agreement under discussion and be present at that meeting. Following the meeting and at the request of the ZBA, the attorney prepared two (2) definition amendments to help the city avoid similar confusion in the future.

Moved by Fitzgibbon seconded by Kozlik Wall to approve the introduction of an Ordinance to amend section 201 of the South Haven zoning ordinance to define easement and private road.

Voted Yes: All. Motion Carried.

**9. City Council will be asked to consider the introduction of an Ordinance to amend section 2001 and 2008 of the South Haven zoning ordinance to allow for institutional signage in residential zones.**

*Background Information:* In February of 2013, the zoning board of appeals (ZBA) heard a request for a zoning ordinance variance to allow a freestanding sign in a residential zone. The sign was requested by the Historical Society on Hubbard Street. The variance was granted but the ZBA members questioned the requirement for non-profit or institutional land uses in residential zones to always go to the ZBA for such signs. The members asked that the planning commission review the requirements for signs in residential zoning districts and consider making such sign approval administrative.

The planning commission subsequently discussed the matter and asked staff to proceed with a text amendment.

The planning commission held a public hearing on June 6, 2013 (minutes included). There were no comments received. The planning commission moved unanimously to forward the draft amendment to the city council.

Moved by Fitzgibbon, to approve the introduction of an Ordinance to amend section 2001 and 2008 of the South Haven zoning ordinance to allow for institutional signage in residential zones. Seconded by Kozlik Wall.

Voted Yes: All. Motion carried.

**10. City Council will be asked to consider Resolution 2013-49 a resolution to approve MDOT contract 13-5414.**

*Background Information:* The City of South Haven has received two grant awards from the Michigan Department of Transportation for rehabilitation of the Dyckman Avenue Bascule Bridge over the Black River. Funding is being provided via the Small Urban Program and the Local Bridge Program. The proposed work will replace the original hydraulic and electric systems that have exceeded their design life span. This work is necessary to ensure that the movable bridge leaves continue to operate in a satisfactory manner into the future. In addition, concrete and steel bridge decks will be rehabilitated to improve ride quality and sidewalks will be repaired to ensure safety for pedestrians.

The City is required to provide matching funds for each grant program in accordance with the program requirements. In addition, the City is required to pay 100% of all engineering, legal, and administrative costs necessary to complete the project. These costs include development of all necessary plan and bid documents, plus construction inspection, testing, and administration services.

On August 6, 2012, Council approved a contract with Hardesty & Hanover, LLC to provide engineering services for this project. The design engineering is now complete and the Michigan Department of Transportation is currently soliciting bids for this project. The total construction cost is estimated to be \$2,005,600. Of that amount, the City of South Haven's participating share is anticipated to be \$286,200. A detailed breakdown of the Cost Participation can be found in Exhibit I of the attached contract.

The Michigan Department of Transportation requires that the City approve and sign the attached contract which stipulates the terms of the grant award. The contract requires that the City make progress payments to the Michigan Department of Transportation as construction progresses. The Michigan Department of Transportation will hold the construction contract and will pay the contractor for work completed. Similar contracts have been entered into for the Wells Street Improvements in 2011 and 73<sup>rd</sup> Street Improvements in 2010.

Public Comment –

Pete Berger – Voiced concerns about placement of the hand railing on new sidewalk.

Moved by Kozlik Wall to approve Resolution 2013-49 a resolution to approve MDOT contract 13-5414. Seconded by Patterson.

Voted Yes: All. Motion carried.

**11. City Council will be asked to consider Resolution 2013-50 a resolution to apply for Great Lakes Fishery Trust Fund grant funds for the Black River Park improvement project.**

*Background Information:* The City Council will be asked to consider a resolution authorizing the City Manager to apply for Great Lakes Fishery Trust Fund (GLFT) grant funds for the Black River Park improvement project.

The grant application seeks funds for construction of a fishing area, seawall, and parking area improvements to Black River Park (at the site of the former Street Department.) The seawall design will incorporate boulders, as opposed to a steel seawall, in an effort to provide a habitat for river species. In 2011, the draft design was reviewed and approved by the City's Harbor Commission and Parks Commission. Should the grant be approved, staff will present an updated park design to those boards, and the Planning Commission for consideration, prior to seeking final approval from the City Council to construct the project.

The funding request seeks \$105,000 in grant and the City may provide up to a \$51,200 local match for the project.

The GLFT is an innovative funding source created in April 1996 as part of the settlement with Consumers Energy and the Detroit Edison Company for fish losses caused by the operation of the Ludington Pumped Storage Plant. The utilities provide annual compensation to the GLFT for fish losses caused by the plant. The GLFT provides funding to educational institutions, nonprofit organizations, and government agencies for projects related to Great Lakes fisheries to provide mitigation for the losses. GLFT funds are used for

- Public education relating to the Great Lakes fishery;
- Research on the Great Lakes fishery, with special emphasis on rehabilitation of lake sturgeon and lake trout;
- Fishery habitat protection and restoration, with special emphasis on the Muskegon River Watershed; and
- Increased fishing access, including land acquisition and site enhancement, to the Great Lakes fishery for shore-based angling and tribal fishing.

Since 1998, the GLFT has awarded over \$44 million in grants to enhance the Great Lakes fishery. Should the City Council wish to continue the application process, the City Council must now adopt a resolution which authorizes staff to apply for the GLFT grant.

Moved by Fitzgibbon to approve Resolution 2013-50 a resolution to apply for Great Lakes Fishery Trust Fund grant funds for the Black River Park improvement project. Seconded by Klavins.

Voted Yes: All. Motion carried.

**11a. City Council will be asked to hold a public hearing regarding the Corridor Improvement Authority.**

Moved by Kozlik Wall to open the public hearing regarding Corridor Improvement Authority.  
Seconded by Patterson.

A Roll Call Vote was taken:

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

Motion carried

Public Comment –

Dan Metzinger – Spoke about roads being fixed by MDOT.

Dorothy Appleyard – Voiced concerns about project and extending the public hearing.

Moved by Gruber to continue the public hearing regarding Corridor Improvement Authority to the September 3, 2013 City Council meeting. Seconded by Kozlik Wall.

Voted Yes: All. Motion carried

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

Ben Stegman – Concerned about where the E coli is coming from. Also wondered if the Corridor Improvement Authority would add more parking.

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

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

Kozlik Wall – Blueberry Fest was awesome. Staff did a wonderful job on clean up and keeping up with trash.

Gruber – Would have liked to see Dave Paull at the meeting since it was about rezoning.

Fitzgibbon – Stated that it will be difficult for drivers trying to maneuver through town this winter with the Dyckman bridge work and Phoenix Street construction project.

Patterson – Blueberry Fest was great.

Arnold – Said if he was in Chicago and got towed – their merchants would not care.

Klavins – Spoke about the Blue Star Trailers big ride the past weekend.

Burr – Solution to the parking situation – ride your bike.

## **15. Adjourn**

Moved by Fitzgibbon to adjourn. Seconded by Kozlik Wall.

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

City of South Haven  
Regular Meeting Council Minutes  
City Hall, Council Chambers  
7:00 p.m., Monday, August 19, 2013  
RESPECTFULLY SUBMITTED,

A handwritten signature in black ink, appearing to read "M. Coffey".

Michelle Coffey  
Deputy City Clerk

Approved by City Council: **DRAFT**