

City Council

Regular Meeting Minutes

Monday, November 4, 2013
7:00 p.m., Council Chambers



1. Call to Order

2. Invocation

- Moment of silence

3. Roll Call

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

4. Approval of Agenda

Moved by Patterson to approve the agenda. Seconded by Fitzgibbon.

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 October 21, 2013.
- B. Bills totaling \$8,459,248.97 for the period ending November 5, 2013 be approved and forwarded to the Clerk and Treasurer for payment.
- C. City Council will be asked to award bid number 2013-11, Electrical Distribution System Improvement Project #102 to SKF Contracting of Williamsburg, MI in the amount of \$59,839.60.
- D. Council will be asked to receive the following administrative reports and approved minutes to be placed on file:
 - 1) 08-26-2013 ZBA Minutes
 - 2) 09-25-2013 Housing Commission Minutes
 - 3) 09-30-2013 BPU Minutes
 - 4) 10-15-2013 Liberty Hyde Bailey Minutes
 - 5) 10-16-2013 BPU Special Meeting Minutes

A Roll Call Vote was taken:

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

Nays: None

Motion carried

BOARD & COMMISSION APPOINTMENTS

- 6. City Council will be asked to approve the appointment of Susan Trabucchi to fill a 5-year term on the Library Board expiring in 2015.**

Moved by Patterson to approve the appointment of Susan Trabucchi to fill a 5-year term on the Library Board expiring in 2015. Seconded by Fitzgibbon.

Voted Yes: All. Motion Carried.

UNFINISHED BUSINESS

- 7. City Council will be asked to approve Resolution 2013-64 a resolution to establish the City of South Haven Corridor Improvement Authority.**

Background Information: Staff is requesting that City Council consider establishing a Corridor Improvement Authority to address issues related to the I-196 Business Loop and M-43 in the city limits.

A Corridor Improvement Authority is governed by a board of members appointed by the Mayor. A majority of the board should be persons who own property or a business within the development area. At least one of the members should be a resident of the development area or within 1/2 mile from the development area.

A Corridor Improvement Authority is similar to a Downtown Development Authority in that it can receive tax increment financing to manage and implement improvements in the public right of way. Improvements may include streetscaping, beautification, pedestrian crossings and changes to the road configuration. In order to receive this funding, a tax increment financing plan would need to be requested by the Authority and approved by City Council.

The resolution currently under consideration does not establish a tax increment financing plan. It creates an authority (board) which has the legal authority to request such a plan from the City Council.

Staff is currently working with a consultant to do traffic counts and analysis, which will eventually be used to develop plans which would be recommended to MDOT and the Van Buren County Road Commission. Establishing an Authority would help staff ensure that the plans are developed with input from property owners and the public.

Whether or not the Authority decides to request a tax increment financing plan, the Authority will be useful to allow residents, property owners and business owners to participate in discussions with MDOT and the County Road Commission regarding proposed changes and improvements to the corridor district.

The resolution under consideration would establish the Corridor Improvement Authority. The Mayor would then appoint the authority board with approval of the City Council, and the Authority would then begin meeting.

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The intent is that the Authority would begin a process of developing engineering plans for all or part of the corridor, in cooperation with MDOT and the County Road Commission.

Moved by Patterson to approve Resolution 2013-64 a resolution to establish the City of South Haven Corridor Improvement Authority. Seconded by Klavins.

Public Comment:

Dorothy Appleyard – voiced concerns with wording in Resolution 2013-64.

Patterson withdrew motion. It was the consensus of City Council to table item.

8. City Council will be asked to consider the approval of a zoning ordinance amendment for Corridor Overlay Zoning District for the I-196 Business Loop and M-43 within the city limits of South Haven.

Background Information: The City of South Haven Planning Commission has been working for the past year to develop the attached draft Corridor Overlay Zoning District for the I-196 Business Loop and M-43 corridor (“corridor”) within the city limits. This effort was prompted by recommendations and goals included in the 2011 Master Plan update (attached). The proposed ordinance establishes an overlay zoning district intended to enhance the quality and compatibility of commercial development, to establish consistent design guidelines, to encourage the most appropriate use of lands, to promote the safe and efficient movement of traffic and preserve property values along the corridor through the City of South Haven, Michigan.

Overlay zoning creates a special zoning district, placed over existing zoning districts, which identify special provisions in addition to those in the underlying zone. The overlay district may share common boundaries with the underlying zone or cut across zone boundaries. Regulations attached to the overlay district are usually designed to protect a specific resource or guide development within a specific area. In this case, the city intends for the overlay zoning to protect residential neighborhoods adjacent to the nonresidential areas of the corridor and to standardize site amenities such as signage, landscaping and building setback requirements. Overlay zones typically provide for a higher level of regulations than the underlying zone such as landscaping and screening between uses, but may also be used to permit less restrictive standards such, as in this case, with less restrictive parking requirements.

This proposed ordinance does not and will not apply to any residences or residentially-zoned properties along the corridor.

The proposed ordinance does not have an immediate effect on any existing uses or properties along the corridor. The same businesses and activities permitted now will be permitted under the overlay zoning. The ordinance will only affect properties undergoing redevelopment or major modification. No changes will be required of any business now operating.

Public Involvement: A public open house was held on July 27, 2013 to provide information to all property owners affected by the amendment. Staff mailed 230 invitations to nonresidential properties within the corridor overlay area. Planning commissioners and the project consultant, Progressive Engineering, were available to answer questions from the

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public. While only five (5) property owners attended, staff felt the concerns of the attendees were addressed.

One inquiry was received from a resident unable to attend the open house. The resident requested that the planning commission discuss his concern and make a determination on his request. The concern involved the Honor Credit Union, located at 749 Phillips Street, which the resident wanted removed from the overlay zone. His concern was that including the property would encourage future expansion of the use or a replacement use which would be more disruptive to the neighborhood. The planning commissioners discussed the matter and determined "that the reasons given to take it out (of the overlay zone) are the very reasons it should not be taken out". By unanimous consensus, the commission members determined that no nonresidential property should be taken out of the proposed overlay zone.

A public hearing was held on September 5, 2013 after providing notice in accordance with the Michigan Zoning Enabling Act, 2006 PA 110, as amended, MCL 125.3101 *et seq.* (the "MZEA"), and the City of South Haven Zoning Ordinance Staff mailed notices to all the property owners included in the open house mailing as well as nonresidential owners within 300 feet of the corridor. There were no public comments offered at that hearing.

Prior to the public hearing, staff asked the city attorney to review the draft ordinance and provide comments to the staff. Modifications were made to the draft in accordance with the attorney comments.

Moved by Fitzgibbon to approve the zoning ordinance amendment for Corridor Overlay Zoning District for the I-196 Business Loop and M-43 within the city limits of South Haven. Seconded by Patterson.

Voted Yes: All. Motion Carried.

NEW BUSINESS

- 9. City Council will be asked to approve the Marina Rental Policy, a policy which allows members of the public to rent the facility on a short term basis, during the boating off season.**

Background Information: The North Side and South Side Municipal Marinas are closed from October 15 to April 15. During this time, the buildings are unused. We have had a number of requests to use the facility for various purposes, such as family gatherings, birthday parties and social events. In addition, the type of uses that we might see are business meetings, fundraiser events and dinners.

The attached policy was prepared after reviewing a number of other policies from other facilities. The fee schedule was based on comparable fees per person occupancy at a facility in a nearby city. The City proposes to provide a discount to South Haven residents and any 501c3 nonprofit organizations.

The policy prohibits consumption of alcohol during a rental except as permitted by City Council resolution. The City Council passed a resolution earlier in 2013 permitting alcohol on certain City properties to allow festivals to have beer tents and wine tastings. A similar resolution could be passed for the Marinas, if desired.

We have had discussions with the Marina Manager, John Marple, regarding scheduling and managing rental of the marina facilities for a percentage of the revenue. If the rental policy is acceptable to City Council, staff will proceed with those negotiations.

Public Comment:

Dorothy Appleyard – Voiced concerns about Marina Rental Policy.

Elaine Hurbert – Voiced concerns about Marina Rental Policy.

No Action Taken

10. City Council will be asked to approve the Black River Park Master Plan.

Background Information: The Harbor Commission desires to make improvements to the Fish Cleaning Station at Black River Park. It was felt that the Fish Cleaning Station should be replaced with a new facility rather than upgrading in its current location. In order to find a location in Black River Park, the Harbor Commission began a process to review other potential improvements to Black River Park, with the intent of coordinating the location of the Fish Cleaning Station with other future improvements. The master planning process was assisted by Abonmarche Consultants.

A master plan is a guide for future implementation. It is intended to coordinate future improvements and guide staff in implementation of the plan. This plan does not require the City to develop the park in this way, it shows the intent for the park at this time.

The attached plan was initially developed by the Harbor Commission, and was then reviewed by the Parks Commission and Planning Commission. Comments received at the Parks Commission and Planning Commission were incorporated into the design.

The Black River Park Master Plan has been recommended to City Council for approval. If approved, the Harbor Commission will likely proceed by directing staff to have cost estimates and detailed plans drawn up for a fish cleaning station for grant submittal purposes.

Moved by Patterson to approve the Black River Park Master Plan. Seconded by Fitzgibbon.

Voted Yes: All. Motion Carried.

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

Johnny Canonie – Voiced concerns about Phoenix Street.

12. City Manager's Comments

13. Mayor and Councilperson's Comments

Klavins: Vote tomorrow

Arnold: Vote tomorrow. Reminder that draft agenda comes out on Wednesday.

Patterson: Congratulations to Susan Trabucchi. Thanked public for their comments and emails.

Fitzgibbon: Thanked businesses for their patience with Phoenix Street. Thanked Brian for conducting weekly meetings with businesses.

Gruber: Vote early. Thanked public for their comments.

Kozlik Wall: WOW weekend is coming up. Reminder about no more parking on streets starting November 15th.

Burr: Spoke about Van Buren Trail.

14. Adjourn

Moved by Fitzgibbon to adjourn. Seconded by Klavins.

Voted Yes: All. Motion carried. Meeting adjourned at 8:07 p.m.

RESPECTFULLY SUBMITTED,



Michelle Coffey
Deputy City Clerk

Approved by City Council: **DRAFT**