

City Council

Regular Meeting Minutes

Monday, December 2, 2013
7:00 p.m., Council Chambers



1. Call to Order

2. Invocation

- Pastor Devon Herrell – First United Methodist Church

3. Roll Call

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

Absent: None

4. Approval of Agenda

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

Voted Yes: All. Motion Carried.

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

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

- A. Council will be requested to approve the City Council Minutes of November 18, 2013.
- B. Bills totaling \$2,018,632.08 for the period ending December 3, 2013 be approved and forwarded to the Clerk and Treasurer for payment.
- C. Council will be asked to approve a temporary sign for the Festival of Trees.
- D. Council will be asked to approve a temporary sign for baseball team.
- E. Council will be asked to approve Resolution 2013-69 a resolution removing parcels from confirmed special assessment roll.
- F. Council will be asked to approve the Phoenix Road substation design.
- G. Council will be asked to approve the Phoenix Road transformer procurement.
- H. Council will be asked to approve a motor pool purchase of a hot box trailer.
- I. Council will be asked to receive the following administrative reports and approved minutes to be placed on file:
 - 1) 09-17-2013 LHBM Minutes
 - 2) 10-16-2013 Airport Authority Minutes
 - 3) 10-21-2013 LDFA Special Meeting Minutes
 - 4) 10-23-2013 Housing Commission Minutes
 - 5) 10-28-2013 BPU Special Meeting Minutes
 - 6) 11-08-2013 Library Minutes

A Roll Call Vote was taken:

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

Nays: None

UNFINISHED BUSINESS

6. City Council will be asked to consider the approval of a fireworks ordinance that would make the current City Code compliant with the state law.

Background Information: The current City Code, last adopted in 1965, prohibits exploding of fireworks, as well as regulating the sale of fireworks.

In 2012, the State of Michigan pre-empted local regulation of fireworks, and established a state-wide regulation of sale and use of fireworks with the Michigan Fireworks Safety Act, which was amended in June of this year.

The Act limits how a local government can regulate the use of fireworks. A local government with a population of less than 50,000 is not permitted to prohibit use of fireworks on the day preceding, the day of, and the day after a national holiday, except between the hours of 1 a.m. and 8 a.m.

The Act also prohibits use of fireworks on public property, subject to a state civil infraction.

The attached draft ordinance would remove city code regulation of the sale of fireworks. It would prohibit the use of fireworks except for the day preceding, the day of and the day after national holidays. It would prohibit the use of fireworks from 1 am to 8am on the day preceding, the day of and the day after national holidays.

The attached draft ordinance would bring the current City Code into compliance with current state law.

Moved by Patterson to approve the introduction of a fireworks ordinance that would make the current City Code compliant with the state law. Seconded by Kozlik Wall.

Voted Yes: All. Motion Carried.

NEW BUSINESS

7. Council will be asked to approve Resolution 2013-70 a resolution supporting a Brownfield Plan.

Background Information: The City Council will be asked to consider approval of the Van Buren County Brownfield Redevelopment Authority (VBCBRA) brownfield plan.

The proposed plan is to be placed upon the Meijer project. The plan is being put in place to capture expenses related to an environmental assessment requested by Meijer, and paid for from VBCBRA grant funding. The intent is for the VBCBRA to recover grant funds for reuse on other brownfield redevelopment projects.

The total capture amount for the plan is \$101,466.88 (See paragraph II (a)). This amount includes environmental expenses of \$67,631.25, and \$33,815.63 revenue to the Local Site Remediation Revolving Fund. It is estimated that the plan amount will be captured in full in 2017 (see paragraph II (f)).

Only 50% of the tax revenue will be captured by the brownfield plan. The other 50% will pass through to the taxing entities.

The brownfield plan will be placed on the Meijer project in both the City of South Haven and South Haven Charter Township. The funding coming from the city portion of the site is estimated to be \$47,007.63. The funding estimated to be coming from the township portion of the site is \$66,977.66. The actual amounts will be based on taxable values as determined by the city and township assessor.

The VCBRA has recently funded a variety of projects within the city. The most recent example of VCBRA work is the environmental analysis for the 317 Hogan's Alley, Baars Printing, property purchase, in which the VCBRA funded \$5,000 for environmental testing and reporting. Other examples of the VCBRA investing funds in the city include: \$21,000 at 201 Elkenburg for environmental analysis, \$38,000 at 708 LaGrange (former Max 10 site) for environmental analysis, \$18,000 at 759 LaGrange (former Clark gas station site) for environmental analysis, \$15,000 at 855 LaGrange (now the Anytime Fitness site) for environmental analysis.

Moved by Patterson to approve Resolution 2013-70 a resolution supporting the Brownfield Plan. Seconded by Fitzgibbon.

Voted Yes: All. Motion Carried.

8. City Council will be asked to approve Resolution 2013-71 establishing the 2014 City Council Meeting dates.

Moved by Fitzgibbon to approve Resolution 2013-71 a resolution establishing the 2014 City Council meeting dates. Seconded by Klavins.

Voted Yes: All. Motion Carried.

9. City council will be asked to approve Special Event 2014-05 Icebreaker 2014.

Background Information: This special event is ready for the City Councils approval.

The dates requested are January 31, 2014 - February 2, 2014. The Chamber of Commerce is the primary sponsor and as in the past they are requesting; use of the city sidewalks, increased police presence, parking spaces blocked on center from Phoenix to Eagle and use of the electric. The application appears to be in order and consistent with past applications except they are requesting to be exempt from putting up portable toilets due to lack of use.

They are aware of the construction on Phoenix St. and are will to work around it and with the city. Please see special event application for further details. Proof of insurance has already been provided

Moved by Fitzgibbon to approve Special Event 2014-05 Icebreaker 2014. Seconded by Patterson.

Voted Yes: All. Motion Carried.

10. City council will be asked to approve Special Event 2014-07 South Beach Fall Fitness Festival.

Background Information: This past year 3 Disciplines Racing moved the triathlon from June to late September, after the beach paid parking has ended for the season. Although the event was changed from a triathlon to a duathlon due to high waves the event was successful and they would like to continue hosting a triathlon in September. Due to the event being in September and a lack of a ½ marathon in the South Haven area they are requesting to change the event to the South Beach Fall Fitness Festival, with the triathlon on Saturday, September 20th and a ½ marathon on Sunday, September 21st. Sunday's event also includes a kids fun run, 5K run, & 10 K run.

3 Disciplines racing is requesting to have both events start and end at the South Beach Parking lot. Please see the special events application for map of proposed areas. The scheduled date for this event is Saturday, September 20, 2014 & Sunday, September 21, 2014 with no scheduled alternative date. The events would begin around 6:30 A.M. with the races starting at 9:00 A.M. on Saturday and 8:45 am on Sunday. The event would end approximately around 2:00 P.M. on Saturday and 2:30 P.M. on Sunday.

Staff will be on site during the events to ensure everything runs smoothly and that the beach parking lot is opened back up in a timely matter following the events.

Proof of insurance will be provided at the beginning of 2014.

Moved by Patterson to approve Special Event 2014-07 South Beach Fall Fitness Festival. Seconded by Fitzgibbon.

Voted Yes: All. Motion Carried.

11. Council will be asked to authorize staff to proceed with submission of a joint grant application with the Van Buren County Prosecuting Attorney's Office to the Competitive Grant Assistance Project (CGAP).

Background Information: The City Council will be asked to authorize staff to proceed with the submission of a joint grant application, with the Van Buren County Prosecuting Attorney's Office, to the Competitive Grant Assistance Project (CGAP).

The CGAP, formerly known as Economic Vitality Incentive Program, is a grant program that is intended to offset costs for local units of government considering consolidation or sharing of services. The funds are intended to assist in creating efficiencies in service delivery.

The Van Buren County Prosecuting Attorney, Mr. Michael Bedford, has begun discussions with the City of South Haven and other local units of government about pursuing CGAP grant that could fund an additional attorney in the county office. Should the additional attorney be funded by the CGAP, the local units of government could then turn over ordinance violation cases to the county, for enforcement efforts. Should the CGAP be funded, the City of South Haven could save a substantial annual amount in legal fees. Staff

notes that over the past three years, the city is averaging approximately \$60,000 in fees related to ordinance enforcement. Should the CGAP be funded, the county would have funding for five years, and the city would enjoy reduced legal fees during that time period.

The CGAP application would seek funding to provide attorney services to the City of South Haven and two other communities for up to five years. Given the potential for savings, it appears to be a worthwhile application for the city.

Moved by Kozlik Wall to authorize staff to proceed with submission of a joint grant application with the Van Buren County Prosecuting Attorney's Office to the Competitive Grant Assistance Program (CGAP). Seconded by Patterson.

Voted Yes: All. Motion Carried.

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

13. City Manager's Comments

14. Mayor and Councilperson's Comments

Klavins – No Comment

Arnold – No Comment

Patterson – Welcomes new pastor. Encourages everyone to volunteer for Icebreaker.

Fitzgibbon – No Comment

Gruber – No Comment

Kozlik Wall – Reminds everyone that the Festival of Trees is going on, so stop by.

Burr – Spoke about 2014 Fireworks being on July 3rd, 2014 next year.

15. Adjourn

Moved by Fitzgibbon to adjourn. Seconded by Patterson.

Voted Yes: All. Motion carried. Meeting adjourned at 7:36 p.m.

RESPECTFULLY SUBMITTED,



Michelle Coffey
Deputy City Clerk

Approved by City Council: **December 16, 2013**