

City Council

Regular Meeting Minutes

Monday, January 20, 2014
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 C (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 January 13, 2014.
- B. Bills totaling \$2,095,710.86 for the period ending January 21, 2014 be approved and forwarded to the Clerk and Treasurer for payment.
- C. Council will be asked to receive the following administrative reports and approved minutes to be placed on file:
 - 1) 12-05-2013 Planning Commission Minutes

A Roll Call Vote was taken:

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

Nays: None

Voted Yes: All. Motion Carried.

UNFINISHED BUSINESS

6. Council will be asked to approve an ordinance to amend the city code by adding chapter 10, article IX, "Dangerous Buildings and Structures".

Background Information: In May of 2006, the City Council adopted Ordinance Number 942 to regulate the repair or demolition of dangerous buildings and structures in the city. That ordinance was codified in Chapter 10, Article IX, of the South Haven Code of Ordinances. On May 1, 2013, that ordinance expired, effectively repealing Ordinance 942.

Staff requested city council assistance in preparing the ordinance for readoption with some modifications. The most notable change to the ordinance is found in Section 10-277, b-c. This addition to the ordinance allows the city council to hold a hearing which will expedite the demolition process in emergency situations. (An emergency situation would involve a structure which is in imminent danger of collapse or which is causing an immediate hazard to persons or property.) This provision bypasses the construction board of appeals and court order requirements of the process, reducing the demolition process from several months to a few weeks. One provision is the agreement of the property owner to the demolition and application of liens to the property. This expedited process will be used in the demolition of the building at 335 Center Street.

Public Comment: None

Moved by Patterson, to approve an ordinance to amend the city code by adding chapter 10, article IX, "Dangerous Buildings and Structures". Seconded by Kozlik Wall.

Voted Yes: All. Motion carried.

NEW BUSINESS

7. Council will be asked to approve Resolution 2014-02, a resolution to order the immediate demolition of the building located at 335 Center Street, South Haven, Michigan.

Background Information: Enforcement efforts for the structure at 335 Center Street date back to 2006. In 2011, the city filed in court either demolish the structure or compel the owner to make the needed repairs. The owner subsequently made the minimum repairs needed and the building was allowed to remain. There have been no additional attempts at maintenance of the building and the structure has continued to deteriorate.

On April 5, 2013, amid complaints of falling glass and shingles, the city building official posted the building as dangerous and ordered that it be secured to halt the falling debris.

In August of 2013, certain areas of the building was observed by the building inspector to be in danger of collapse. He ordered that the sidewalk and parking spaces on the west side of the building be blocked from pedestrian or vehicular traffic.

The condition of this building is rapidly deteriorating with the west wall beginning to bow outward and the east side by the open stairway now sinking into the ground about 12 inches.

Moved by Fitzgibbon, to approve Resolution 2014-02, a resolution to order the immediate demolition of the building located at 335 Center Street, South Haven, Michigan. Seconded by Patterson.

Voted Yes: All. Motion Carried.

8. **Council will be asked to receive the 2013 Comprehensive Annual Financial Report presentation.**
9. **Council will be asked to approve Resolution 2014-03, a resolution updating state required poverty level income standards for property tax poverty exemption guidelines for tax year 2014.**

Background Information: The City Council will be asked to consider the 2014 property tax poverty exemption guidelines for approval and adoption. The poverty exemption guidelines are used by the Assessing Department when considering tax relief requests at the annual Board of Review meeting(s).

Several years ago, at a meeting of the City Council, there was debate over the proposed Federal Poverty Guidelines and whether or not they should be adopted. Ultimately the City Council opted not to adopt the guidelines, stating that the proposed levels were set too low, and should be adjusted to a more acceptable level.

In an effort to create a more acceptable local level for the poverty guidelines, staff modified the asset standards to reflect the asset eligibility limitation to not exceed \$5,000 (as opposed to the original \$2,000). Further, the guidelines were modified to reflect that an individual's primary motor vehicle would not be included in the asset calculation. The final adjustment that staff made to the proposed guidelines was to increase the poverty threshold maximum income level by \$5,000 per unit of family. Ultimately the adjustments made by staff were accepted by the City Council and the guidelines were approved and adopted. These modified guidelines have been used since 2009.

Moved by Patterson, to approve Resolution 2014-03, a resolution updating state required poverty level income standards for property tax poverty exemption guidelines for tax year 2014. Seconded by Kozlik Wall.

Voted Yes: All. Motion Carried.

10. **Council will be asked to approve the Charter Fishing License Agreement.**

Background Information: Chad Bard has requested that he be allowed to operate a charter fishing boat out of the South Side Marina again in 2014. This would be the second year of operation for It'll Do Charters.

The attached license agreement provides for insurance requirements, operational requirements, and a provision for termination in case of breach of agreement.

The agreement is a 3 year agreement, which may be terminated by either party after each year.

The marina slip fee has been doubled for this commercial use and the boater will be charged \$5,830 for the season as a commercial rate.

Moved by Fitzgibbon, to approve the Charter Fishing License Agreement. Seconded by Patterson.

Voted Yes: All. Motion Carried.

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

12. City Manager's Comments

13. Mayor and Councilperson's Comments

Klavins: No comment.

Arnold: No comment.

Patterson: Happy Martin Luther King Day.

Fitzgibbon: Nice to celebrate MLK Day.

Gruber: Kids – Clean your rooms and eat your vegetables.

Kozlik Wall: Come out and support Icebreaker, January 31st through February 2nd.

Burr: Spoke about attending the Governor's State of the State address.

14. Adjourn

Moved by Fitzgibbon to adjourn. Seconded by Klavins.

Voted Yes: All. Motion carried. Meeting adjourned at 7:49 p.m.

RESPECTFULLY SUBMITTED,



Michelle Coffey,
Deputy City Clerk

Approved by City Council: February 3, 2014