

City Council

Regular Meeting Minutes

Monday, March 17, 2014
7:00 p.m., Council Chambers



1. Call to Order

2. Invocation

- Linda Olsen – We Care I.N.C.

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 B (Roll Call Vote Required)

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

- A. Council will be requested to approve the City Council Minutes of March 3, 2014.
- B. Bills totaling \$1,030,557.80 for the period ending March 18, 2014 be approved and forwarded to the Clerk and Treasurer for payment.

A Roll Call Vote was taken:

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

Voted Yes: All. Motion Carried.

BOARD & COMMISSION APPOINTMENTS

6. Council will be asked to consider the appointment of Bill Roberts to fill a 5-year term on the BPU Board expiring in 2018.

Bill Roberts introduced himself as candidate for BPU Board.

Moved by Fitzgibbon, to approve the appointment of Bill Roberts to fill a 5-year term on the BPU Board expiring in 2018. Seconded by Kozlik Wall.

Voted Yes: All. Motion Carried.

UNFINISHED BUSINESS

7. Council will be asked to approve the zoning ordinance amendment, modifying certain general provisions and establishing regulations for wind energy turbines with provisions for special use permit requests.

Background Information: At the January 13, 2014 city council meeting, several concerns were raised regarding the proposed Wind Turbine Ordinance. Since that meeting, staff has worked to address those concerns and make necessary adjustments to the draft text. Wind Ordinances in several Michigan cities and townships were reviewed as part of this process.

The attached draft ordinance includes the proposed changes in yellow highlight. Staff has also included a revised Wind Turbine Height Map. In summary, the changes proposed include:

Section 2 Definitions: *Ambient Sound Level* has been changed to *Continuous Background Sound Level*. The definition remains the same.

A definition for dB(C) (low frequency sound measurement) was added. dB(c) limits were not included in the previous version of the ordinance.

Section 3 Locational Requirements: This section was revised to permit turbines up to 200 feet in height in areas zoned B-4, I-1 and I-2 when located east of Blue Star Highway only. Other areas of the city have a 40 foot height limit.

Section 4: Site Requirements: Subsection B was revised to relate to ice throw or component failure instead of noise.

Subsection F was revised to increase the buffer area from three (3) times the rotor diameter to seven (7) times the diameter.

Section 6: Buffering Requirements: The previous ordinance had a sound limit of 55 decibels (dB(A)) or the ambient sound level plus 5 dB(A), whichever was less. This limit has now been reduced to 40 dB(A) between the hours of 10:00 p.m. and 6:00 a.m. and 45 dB(A) between the hours of 6:00 a.m. and 10:00 p.m.

Limits have also been added regarding the dB(C) level and acceptable vibration from the turbine. The added text reads, "Vibrations from a Wind Turbine shall not be humanly perceptible beyond the turbine property and in no case shall the sound emanating from the Wind Turbine exceed 50 dB(C) between the hours of 10:00 p.m. and 6:00 a.m. or 55 dB(C) between the hours of 6:00 a.m. to 10:00 p.m. as measured at any adjacent property line".

In Subsection d, a reference was inserted to clarify the amount of vibration allowed by a measurement of Hz.

Moved by Patterson, to approve the zoning ordinance amendment, modifying certain general provisions and establishing regulations for wind energy turbines with provisions for special use permit requests. Seconded by Fitzgibbon.

Voted Yes: All. Motion Carried.

8. Council will be asked to approve an ordinance to amend the text of the South Haven zoning ordinance to allow for single family detached dwellings in the B-3 waterfront business zone.

Background Information: The planning commission considered this amendment to the B-3 zoning district after becoming aware that there were several scattered small lots in the zone unusable for any permitted use. During a review and drive through of the B-3 zone area, a subcommittee of planning commission members also found a number of single family homes existing in the zone which are currently in nonconformance with the zoning district requirements.

On January 9, 2014, the planning commission held a public hearing on the matter of adding single family residences on individual lots to the B-3 Waterfront Business regulations. A decision on the matter was delayed until the February 6 meeting in order to give the planning commission more time to consider comments heard and determine if additional changes were needed to the proposed amendment. At the February meeting, the planning commission voted unanimously to recommend approval of the amendment to the city council.

The proposed ordinance provides that only lots of a size or configuration not adequate to support other permitted uses should be made available for single family homes.

It is not the intent of this amendment to encourage redevelopment of existing waterfront businesses. Staff and planning commission realize the importance of water related businesses to the vitality of the city. Any proposed conversion of a current permitted use to a single family home(s) will need a special use permit from the planning commission. The application for that permit shall include a compelling argument that the proposed use is more beneficial to the community than the existing use.

Mayor Burr requested to abstain from voting.

All of council consented.

Moved by Kozlik Wall, to approve an ordinance to amend the text of the South Haven zoning ordinance to allow for single family detached dwellings in the B-3 waterfront business zone. Seconded by Patterson.

A Roll Call Vote was taken:

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

Nays: None

Abstain: Burr

Voted Yes: All. Motion Carried.

NEW BUSINESS

9. Van Buren Conservation District will provide an update to Council.

10. Council will be asked to authorize submittal of the weather buoy grant application to NOAA.

Background Information: In January, the City and Limnotech submitted a preproposal for a grant to fund the acquisition of a weather buoy to NOAA. NOAA responded encouraging the submittal of a full proposal for the grant.

Limnotech has provided a letter regarding project estimated costs and how the annual operation and maintenance cost would be funded and invoiced. Limnotech will invoice the donors directly. Total annual costs are estimated to be \$27,550 or less, depending on the level of maintenance needed, and on local assistance in deploying and retrieving the buoy.

The South Haven Steelheaders have been working to find donors for the weather buoy project. Donors include Van Buren County, South Haven Yacht Club, South Haven Steelheaders, the Convention and Visitor's Bureau, Louis Padnos Iron & Metal Company, Covert Generating, Coast Guard Auxiliary and River Bend Boat Club. The City's commitment to the weather buoy is \$5,000 per year for five years. As of March 11, total annual commitments from all donors are \$15,000. The South Haven Steelheaders are continuing to solicit donors.

In order to proceed with the grant application, City Council is requested to authorize submittal of the weather buoy grant application to NOAA. The application deadline is March 23. Awards will be announced on May 12.

Moved by Patterson, to authorize submittal of the weather buoy grant application to NOAA.
Seconded by Klavins.

Voted Yes: All. Motion Carried.

11. Council will be asked to take the following actions regarding the Michigan Natural Resources Trust Fund grant application:

A. Hold a public hearing regarding the request.

B. Consider Resolution 2014-13 a resolution allowing for the application of a Michigan Natural Resources Trust Fund Grant.

Background Information: The City Council will be asked to consider an application to the Michigan Department of Natural Resources, Michigan Natural Resources Trust Fund (MNRTF), for the construction of improvements at the city's North Beach Park.

The City Council recently adopted the "Fiscal Year 2014-15 Priorities." As part of the approved priorities, the City Council seeks to plan and develop improvements to the public infrastructure at the North Beach Park. Application to the MNRTF for the North Beach Park project supports the Council's priority.

The intent of the North Beach Park improvements is to provide improvements to the city's sidewalks, streets, and beach areas for residents and visitors to the North Beach Park. Over the past year, the city's staff has worked with Monroe Park residents (Monroe Park is the neighborhood adjacent to the North Beach Park) to seek their input on the proposed park

improvements. At the December 11, 2012 meeting of the city's Parks Commission, the commission approved the proposed North Beach Park plan.

In 2013, the City Council approved a grant application to the MNRTF for the proposed improvements to the city's North Beach Park. The 2013 grant application was not successful. Staff recommends resubmitting the grant application, in an effort to secure MNRTF grant funds for the project.

The city's staff has begun the process of preparing the MNRTF grant, and one of the required steps is for the City Council to pass a resolution supporting the grant application submission. The funding request will be \$300,000 and the city will provide a 59% match of \$442,300 for a total project cost of \$742,300. The source of the local matching funds will be from the city's general fund. Due to funding pressures impacting the MNRTF, staff anticipates that recreation grant funds may be more competitive than previous years. As a result, the city's grant application seeks to build the North Beach Park improvements in two phases, as part of an effort to seek a lower grant request from the MNRTF. The proposed grant application seeks to fund to make improvements to the sidewalks, roadway, street lighting, playground equipment, and ADA accessible beach mat. The installation of seat walls, dumpster enclosures, public showers/foot-wash, and the reconstruction of the concession stand would be delayed until phase two.

Item A: Hold a public hearing regarding the Michigan Natural Resources Trust Fund grant application.

Moved by Kozlik Wall, to open a public hearing regarding the Michigan Natural Resources Trust Fund grant application. Seconded by Patterson.

No Public Comment

A Roll Call Vote was taken:

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

Nays: None

Voted Yes: All. Motion Carried.

Moved by Fitzgibbon, to close the public hearing regarding the Michigan Natural Resources Trust Fund grant application. Seconded by Kozlik Wall.

Voted Yes: All. Motion Carried

Item B: Consider Resolution 2014-13 a resolution allowing for the application of a Michigan Natural Resources Trust Fund Grant.

Moved by Patterson, to approve Resolution 2014-13, a resolution allowing for the application of a Michigan Natural Resources Trust Fund Grant. Seconded by Fitzgibbon.

Voted Yes: All. Motion Carried.

12. Council will be asked to approve Special Event 2014-09 Waterfront Film Fest.

Background Information: For the second year the Waterfront Film Festival will be located in South Haven. The 2014 event will run from Thursday, June 12th – Sunday, June 15th. The

event will kick off on Thursday, June 12th at the city's South Beach, with an outdoor opening night. The event is similar to last year's set-up. The applicant is requesting permission to close off the South Beach parking lot on the morning of Thursday, June 12th for set-up with the event beginning at 6:00 pm. The live music is planned to occur from approximately 6:00 pm until 10:00 pm. The film will be shown at approximately 10:00 pm. Cleanup will occur that night following the event. The film festival has agreed to pay the city \$7.00 for each space used at South Beach during this event. City staff will work with the festival to fence off and barricade this area. The event will continue throughout the weekend at indoor venues.

The event has requested a temporary liquor license. An application has been received by the City's staff. Should City Council approve the event, they will be approving the request for the liquor license, contingent upon meeting all the stipulations of the Special Event alcohol policy and approval by the Chief of Police and Liquor Control Commission. Proof of insurance will be provided as soon as the event is approved.

Moved by Fitzgibbon, to approve Special Event 2014-09, Waterfront Film Fest. Seconded by Arnold.

Voted Yes: All. Motion Carried.

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

No Public Comment

14. City Manager's Comments

15. Mayor and Councilperson's Comments

Klavins – Spoke about Clark's joke.

Arnold – No Comment.

Patterson – Spoke about being wise about going on the ice and National Reading Month.

Fitzgibbon – No Comment.

Gruber – Spoke about citizen concerns.

Kozlik Wall – Spoke about everyone helping to remove newspapers from sidewalks and roadways, so that snow can melt and sewer drains do not clog.

Burr – Spoke about the bike path.

16. Adjourn

Moved by Kozlik Wall to adjourn. Seconded by Fitzgibbon.

Voted Yes: All. Motion carried. Meeting adjourned at 8:14 p.m.

RESPECTFULLY SUBMITTED,



Michelle Coffey,
Deputy City Clerk

Approved by City Council: **April 7, 2014**