

City Council

Regular Meeting Minutes

Monday, April 21, 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 Fitzgibbon to approve the agenda. Seconded by Patterson.

Voted Yes: All. Motion Carried.

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

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

- A. Council will be requested to approve the City Council Minutes of April 7, 2014.
- B. Bills totaling \$301,407.83 for the period ending April 22, 2014 be approved and forwarded to the Clerk and Treasurer for payment.
- C. Council will be asked to receive Liberty Hyde Bailey Museum's 2013 Annual Report.
- D. Council will be asked to approve a license agreement request with Bahama Mama.
- E. Council will be asked to receive the following administrative reports and approved minutes to be placed on file:
 - 1) 01-21-2014 SHARA Minutes
 - 2) 03-10-2014 LDFA Minutes
 - 3) 04-03-2014 LHBM Workshop Minutes

A Roll Call Vote was taken:

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

Voted Yes: All. Motion Carried.

NEW BUSINESS

6. Council will be asked to approve the following Special Events:

A. Special Event 2014-12, Harborfest (June 19-22, 2014).

B. Special Event 2014-13, Phoenix Street Rising (May 10, 2014).

Item A: Special Event 2014-12, Harborfest (June 19-22, 2014).

Background Information: The special event request for Harborfest is ready for City Council approval. This year's Harborfest is scheduled for June 19-22, 2014. With the exception of adding a beer tent/garden the application appears to be in order and consistent with past applications. The streets to be closed are identified on the application.

The event has requested a temporary liquor license. An application has been received by the City. 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.

Moved by Patterson to approve Special Event 2014-12, Harborfest to be held June 19-22, 2014. Seconded by Fitzgibbon.

Voted Yes: All. Motion Carried.

Item B: Special Event 2014-13, Phoenix Street Rising (May 10, 2014).

Background Information: This special event request is ready for City Council's approval. DASH - Downtown Association of South Haven is sponsoring a street reopening party. The event will be held on Saturday May 10, 2014 from 10 am – 8 pm. The Phoenix Rising event is a grand opening party for town residents and visitors to celebrate the beautiful new downtown streetscape.

The event will be located at Dyckman Park and they request to use the pavilion in case of rain. It is a free public concert featuring local musicians at Dyckman Park, free performance artists such as jugglers, magicians and other artists. They will also have special sales and demonstrations at the shops and restaurants along Phoenix Street, Center Street and Williams Street. Please see maps in the special event application for more details.

Jane Nickerson – Spoke in favor the Phoenix Street Rising Special Event.

Moved by Patterson to approve Special Event 2014-13, Phoenix Street Rising, to be held on May 10, 2014. Seconded by Klavins.

Voted Yes: All. Motion Carried.

7. Council will be asked to consider a request for employment of a seasonal employee.

Background Information: City Council will be asked to consider the employment of Donna Jordan for the 2014 parks and recreation season. Donna is Vickiy Kozlik Wall's sister.

Section 5.15 of the City Charter addresses the issue of employment for family members of elected officials. That section of the charter reads as follows:

Section 5.15. Antinepotism

Except and unless the members of the Council in office at the time shall unanimously determine that the best interests of the City will be served by the employment of individuals hereinafter mentioned, the following relatives and his/her spouses (a) of any elective official or of his/her spouse, or (b) of the City Manager or of his/her spouse, are disqualified from holding any appointive City office or City employment during the term for which said elective official was elected or during the tenure of office of the City Manager, respectively: spouse, child, parent, brother, sister, and their spouses. All relationships shall include those arising from adoption. This section shall in no way disqualify such relatives or their spouses who are bona fide appointive officers or employees of the city at the time of the election of said elective official.

The Charter does provide provisions which allow family members (e.g., spouse, child, parent, brother, sister and/or their spouse) of City Council members to be employed by the City of South Haven, upon unanimous consent of the council. The charter specifies that at least one of the following criteria must be met:

Criteria #1: Was the family member employed by the city at the time of the election of said elective official?

Criteria #2: Will the best interest of the community be served by the hiring of an elected official's family member?

Having reviewed this situation, it appears that criteria #2 can be met if employment is approved.

Donna Jordan interviewed for a position in the parks department for the 2014 season. She has experience with gardening and flower bed arrangements that would benefit the City. The City's parks are a very important and visible part of the community and having a parks staff member with the gardening skills she possesses would be an important addition. Her resume shows that Donna is dependable and has the ability to work with minimal supervision.

Kozlik Wall requested to abstain from voting.

All of council consented.

Voted Yes: All. Motion Carried.

Moved by Fitzgibbon to approve a request for employment of Donna Jordan, a seasonal employee. Seconded by Patterson.

Voted Yes: All. Motion Carried.

- 8. Council will be asked to consider the following actions regarding 229 Elkenburg:**
 - A. Hold public hearing related to the single lot special assessment for the installation of a fence around the building at 229 Elkenburg.**

B. Council will be asked to consider Resolution 2014-17, a resolution to levy a single-lot special assessment for the installation of a fence around the building at 229 Elkenburg.

Background Information: The City Council will be asked to consider approval of Resolution 2014-17, a resolution to levy a single lot special assessment for the installation of a fence around the building at 229 Elkenburg, commonly known as the Overton Building.

Recently, the City Council has been provided information on the failing condition of the Overton Building, and the need to protect the public from the building's dangerous conditions. The city's attorney has advised the City Council that should the Council desire to construct a fence around the building; the Council could use its authority to abate nuisances and could levy a single-lot special assessment in order to recover costs.

On April 10, 2014, the City sent a notice to the property owner, Sitties, LLC, stating that it planned to construct a fence around the property unless the nuisance conditions were otherwise abated by April 21, 2014. The notice also stated that the City Council would hold a hearing on April 21, 2014 to consider levying a special assessment of \$25,000 on the property. The proposed assessment amount was based on contractor estimates showing that the fence will cost somewhere between \$14,920 and \$22,380.

At the hearing on April 21, 2014, the property owner and other interested parties will have the opportunity to address the City Council and present objections. The City Council can then consider whether to adopt Resolution 2014-17. As written, the resolution would impose a \$25,000 single-lot special assessment on the property. The special assessment would be due in a single installment on Friday, May 16, 2014. If the assessment is not paid in full to the City Treasurer by that date, interest would begin to accrue at a rate of 1% month. The amount of the assessment would be a lien on the property, and could be adjusted downward if the actual cost of constructing the fence is less than \$25,000.

Staff is currently working to collect updated fencing quotes for the Overton Building. Staff anticipates having the updated fencing quotes in the coming days.

Item A: Hold public hearing related to the single lot special assessment for the installation of a fence around the building at 229 Elkenburg.

Moved by Patterson, to open the public hearing related to the single lot special assessment for the installation of a fence around the building at 229 Elkenburg. Seconded by Fitzgibbon.

Voted Yes: All. Motion Carried.

No Public Comment.

Moved by Fitzgibbon, to close the public hearing related to the single lot special assessment for the installation of a fence around the building at 229 Elkenburg. Seconded by Gruber.

Voted Yes: All. Motion Carried.

Item B: Council will be asked to consider Resolution 2014-17, a resolution to levy a single-lot special assessment for the installation of a fence around the building at 229 Elkenburg.

Moved by Patterson, to consider Resolution 2014-17, a resolution to levy a single-lot special assessment for the installation of a fence around the building at 229 Elkenburg. Seconded by Kozlik Wall.

Voted Yes: All. Motion Carried.

9. Council will be asked to consider temporary signs on public property for the Waterfront Film Festival.

Background Information: Lara LaShell, representing the Waterfront Film Festival Committee, has submitted a request to place signs promoting the festival on public property throughout the downtown area. The proposed signs are 22"x14" and will be placed in the ground with metal stakes. The signs will be in place from May 15 to June 16, 2014.

The applicant is proposing to place a total of eight (8) signs in the downtown area and two (2) more along Water Street. All of these signs are to be on public property. (Another six (6) signs are proposed for private property and will be dealt with separately by the building department.) Attached is a list and a map of proposed sign locations. Also attached is a graphic of the proposed sign.

Moved by Kozlik Wall, to approve temporary signs on public property for the Waterfront Film Festival. Seconded by Fitzgibbon.

Voted Yes: All. Motion Carried.

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

Steven Small – Spoke about Sister Cities fundraisers going on.

11. City Manager's Comments

12. Mayor and Councilperson's Comments

Kozlik Wall – No Comment

Gruber – Spoke about school election and voting.

Fitzgibbon – Happy Spring!

Patterson – Spoke about school election and voting.

Arnold – No Comment

Klavins – No Comment

Burr – Called Corey Corolla from Kinexus up and they both spoke about Kinexus having a physical location in South Haven now.

13. Adjourn

Moved by Fitzgibbon to adjourn. Seconded by Patterson.

Voted Yes: All. Motion carried. Meeting adjourned at 7:32 p.m.

RESPECTFULLY SUBMITTED,

A handwritten signature in cursive script, appearing to read "M. Coffey", enclosed within a thin rectangular border.

Michelle Coffey,
Deputy City Clerk

Approved by City Council: **May 5, 2014**