

City Council

Special Meeting Minutes

Monday, January 13, 2014
7:00 p.m., Council Chambers



PRIOR TO THE BEGINNING OF BUSINESS, A CEREMONIAL SWEARING-IN OF NEWLY ELECTED OFFICIALS TOOK PLACE.

Invocation by Pastor Eric Jarvis, – First Assembly of God

Swearing-in of Mayor Robert Burr

Swearing-in of newly elected City Councilmembers:

Ward 1 – Vickiy Kozlik Wall

Ward 2 – Jeff Arnold

Ward 3 – Andy Klavins

Call to Order by Mayor Burr at 7:03 p.m.

1. Roll Call

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

Absent: None

2. Approval of Agenda

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

Voted Yes: All. Motion Carried.

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

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

- A. Council will be requested to approve the City Council Minutes of December 16, 2013.
- B. Bills totaling \$1,319,548.95 for the period ending January 7, 2014 be approved and forwarded to the Clerk and Treasurer for payment.
- C. Council will be asked to receive an annual report from the Planning Commission.
- D. Council will be asked to approve the motor pool purchase of two (2) cubic yard leaf collection trucks in the amount of \$151,139.20.

E. Council will be asked to receive the following administrative reports and approved minutes to be placed on file:

- 1) 10-15-2013 Harbor Commission Minutes
- 2) 11-11-2013 Library Minutes
- 3) 11-19-2013 Liberty Hyde Bailey Museum Minutes
- 4) 11-19-2013 Library Special Meeting Minutes
- 5) 11-20-2013 Housing Commission Minutes

A Roll Call Vote was taken:

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

Voted Yes: All. Motion Carried.

4. City Council will be asked to select a Mayor Pro-Tem.

Moved by Klavins to appoint Councilmember Fitzgibbon as the Mayor Pro-Tem. Seconded by Patterson.

Voted Yes: All. Motion carried.

5. Most Boards/Commissions/Authorities have one seat designated for a city council member so that information is shared between council and its advisory committees. The following actions will be considered:

A. Council will make Council Representative appointments to the following boards and commissions:

- a. Board of Public Utilities – Mayor Burr
- b. Harbor Commission – Councilmember Arnold
- c. Housing Commission – Councilmember Patterson
- d. Liberty Hyde Bailey Museum Board – Councilmember Gruber
- e. Parks Commission – Councilmember Fitzgibbon

B. Council will be asked to confirm the following Mayoral appointments:

- a. Airport Authority – Councilmember Gruber
- b. Community Development Commission – Councilmember Patterson
- c. Local Development Finance Authority – Councilmember Klavins
- d. Brownfield Redevelopment Authority – Councilmember Klavins
- e. Planning Commission – Councilmember Kozlik Wall
- f. Downtown Development Authority– Mayor Burr
- g. South Haven Area Emergency Services – Mayor Burr

Moved by Fitzgibbon, seconded by Kozlik Wall to make Council Representative appointments to the following boards and commissions:

- a. Board of Public Utilities – Mayor Burr
- b. Harbor Commission – Councilmember Arnold
- c. Housing Commission – Councilmember Patterson
- d. Liberty Hyde Bailey Museum Board – Councilmember Gruber
- e. Parks Commission – Councilmember Fitzgibbon

Voted Yes: All. Motion carried.

Moved by Fitzgibbon, seconded by Kozlik Wall to confirm the following Mayoral appointments:

- a. Airport Authority – Councilmember Gruber
- b. Community Development Commission – Councilmember Patterson
- c. Local Development Finance Authority – Councilmember Klavins
- d. Brownfield Redevelopment Authority – Councilmember Klavins
- e. Planning Commission – Councilmember Kozlik Wall
- f. Downtown Development Authority– Mayor Burr
- g. South Haven Area Emergency Services – Mayor Burr

Voted Yes: All. Motion carried.

UNFINISHED BUSINESS

6. Council will be asked to approve the following to amend Chapter 86 Section 86-172 of the code of ordinances regarding the summer sanitary sewer credit:

- A. Ordinance No. 1008, an ordinance to amend rates for the City of South Haven utilities.**
- B. Resolution 2014-01: A Resolution to apply Ordinance No. 1008 retroactively to charges incurred in the summer of 2013.**

Background Information: In accordance with Chapter 86 Section 86-172 of the City of South Haven Code of Ordinances, the sewer usage volume charge for single-family and duplex residential structures for utility bills dated June 1 through September 30 will be based on the average monthly water use billed for the five month period from the November water meter readings through the April water meter readings with a minimum volume charge of 1000 cubic feet per month. This is commonly known as the “summer sewer credit” which provides for water usage for irrigation without sewer usage charges since this water does not enter the sewer system. This provides a credit allowance without the need for an additional meter.

The Board of Public Utilities (BPU) requested to include churches as residential for the purpose of providing the summer sewer credit. At the November 26, 2012 Regular Meeting, the BPU reviewed information prepared by the Finance Department based on the current utility policy at that time which included an estimate of \$3,595 summer sewer credit for churches (\$2,710 - city, \$885 - rural). The BPU provided unanimous approval of a recommendation to City Council to include churches as residential for the purpose of providing the summer sewer credit. An effective date of June 1, 2013 is requested to include the 2013 season.

If City Council chooses to adopt the ordinance, then Council needs to adopt a resolution indicating that it is intended to apply the rate change to the 2013 summer season and directing staff to make the needed adjustments on upcoming bills. This resolution will be presented to City Council at the January 6, 2014 Regular Meeting, after the ordinance has taken effect.

Item A: Ordinance No. 1008, an ordinance to amend rates for the City of South Haven utilities.

Moved by Fitzgibbon to approve an Ordinance No. 1008 that would amend Chapter 86 Section 86-172 of the code of ordinances regarding the summer sanitary sewer credit. Seconded by Patterson.

Voted Yes: All. Motion Carried.

Item B: Resolution 2014-01: A Resolution to apply Ordinance No. 1008 retroactively to charges incurred in the summer of 2013.

Moved by Patterson to approve Resolution 2014-01, a resolution to apply Ordinance No. 1008 retroactively to charges incurred in the summer of 2013. Seconded by Fitzgibbon.

Voted Yes: All. Motion Carried.

NEW BUSINESS

7. Council will be asked to approve a contract agreement with South Haven Charter Township to continue providing police services in the Township for an additional five (5) years.

Background Information: For the past three (3) years, the South Haven Police Department (SHPD) has provided police services in the Township, with a total coverage of eighty (80) hours per week. Prior to that period, the Township had contracted for additional police services from the Van Buren County Sheriff's Department.

Prior to the police services contract award, the SHPD had been handling an average of one hundred forty (140) calls for service, in the Township, on an annual basis. In the past, those incidents had occurred without cost recovery from the Township. The initial contract provided annual compensation, in the amount of \$175,000 per year, to the City of South Haven in exchange for eighty hours of dedicated patrol per week and random patrols on the remaining hours during the week. The proposed contract extends the terms of the agreement from three (3) years to five (5) years. Further, the proposed contract increases the initial cost of service to \$185,711.40. The contract includes an annual cost increase of two percent (2%).

The benefit to the Township is more responsive police coverage throughout the week. Some of the benefits to the City of South Haven are:

- The recovery for the cost of services provided by the City of South Haven
- Improved safety for area citizens
- Infusion of \$185,711.40 to the city budget
- Enhanced Intergovernmental cooperation

The South Haven Charter Township Board recently approved the updated contract, as presented.

Moved by Fitzgibbon to approve a contract agreement with South Haven Charter Township to continue providing police services in the Township for an additional five (5) years. Seconded by Klavins.

Voted Yes: All. Motion Carried.

8. Council will be asked to affirm the color choice for the roofing materials at City Hall.

Background Information: As part of the approximately \$3,000,000 renovation of the Police/Fire Complex, improvements are planned for City Hall and the DPW Building. Both buildings will be equipped with back-up power generators. City Hall improvements will also include the replacement of exterior windows, office renovations, and the replacement of the exterior roofing material (e.g., mansard style roof material.) In preparation for the project, staff has been worked with a committee of staff and elected officials (Council members Fitzgibbon and Kozlik-Wall.) The roof selection committee has completed the review of dozens of aluminum roofing options for City Hall. The committee has recommended the selection of a copper colored roof material for the exterior roofing material.

Moved by Fitzgibbon to affirm the color choice of copper for the roof project at City Hall.
Seconded by Kozlik Wall.

Voted Yes: All. Motion Carried.

9. Council will be asked to introduce an ordinance to amend the zoning ordinance to establish regulations for wind energy turbines with provisions for special use permit requests.

Background Information: For many months, beginning in 2009, the City's Planning Commission actively worked to review and consider the possible use of wind turbine generators within the City of South Haven. The ordinance recommended by the city's planning commission establishes two categories of wind turbines, requires a special use permit for all wind turbines, and places height restrictions on the proposed units. (Attached is a chronology of the planning commission activities related to the development of that draft ordinance.) In April of 2010, the planning commission forwarded the draft ordinance to the city council for review and action.

On May 3, 2010, the council discussed the draft ordinance, which if approved would amend Article XVII, Section 1732, and establish Article XVII, Section 1742 and Article XV, Section 1510.35, and further establish regulations for wind energy turbines, with provisions for special use permit requests. The city council had some concerns with the draft ordinance and sent it back to the planning commission for further study. In September of that year, a joint workshop was held with the planning commission and city council to discuss the few remaining points of disagreement. The discussion at the meeting focused on:

1. Whether to limit all turbine heights to 40' in the areas west of Blue Star Highway, and
2. Remove 200' height limitation in areas east of the interchange and revise the fall zone provision to a one to one ratio, in the areas east of Blue Star Hwy.

At the November 4, 2010 meeting of the planning commission, the commission discussed the proposed modifications as offered by the city council and, after considering the potential impacts, voted to retain the originally drafted language. Most specifically, the commission agreed that no wind turbines over 200 feet should be permitted in the city and that the fall

zone should remain at one to one and one half (1:1.5) except when adjacent to occupied buildings at which time the fall zone is increased to one to three (1:3).

The draft ordinance was sent back to city council late in 2010 but no action was taken.

Moved by Kozlik Wall to introduce the draft Wind Turbine Generator Ordinance, for consideration on to the January 20th regular meeting, with the following amendment to Section 3, Location Requirements: Category Two: A Wind Turbine greater than 40 feet and less than 200 feet in Turbine Height shall be considered an accessory structure requiring a special use permit which may be allowed in the B-4 and I-1 zoning districts east of Blue Star Highway, subject to the standards and requirements of this Section 1500. Seconded by Arnold.

Pat Miller, 1439 Clarke Place – expressed concerns with a couple of sections of the proposed ordinance.

Moved by Fitzgibbon to table the item until a future meeting to allow staff to make additional amendments to the draft ordinance. Seconded by Kozlik Wall.

Voted Yes: All. Motion carried.

10. Council will be asked to introduce 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 re adoption 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.

Moved by Patterson to introduce an ordinance to amend the city code by adding chapter 10, article IX, “Dangerous Buildings and Structures”. Seconded by Fitzgibbon.

Voted Yes: All. Motion carried.

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

Mike Henry, County Commissioner – Updated City Council on the recent activity of the Van Buren County Commission.

12. City Manager’s Comments

13. Mayor and Councilperson's Comments

Kozlik Wall: Thank you to all the City Staff for all the hard work during the blizzard.

Gruber: Thanks to City Staff for work on getting trash services running again after the blizzard.

Fitzgibbon: Thanked all the City workers for their hard work at keeping the City streets cleared during the storm.

Patterson: Also thanked staff for all the hard work. Looking forward to 2014.

Arnold: Also thanked public works staff for hard work at clearing snow. Please make sure to watch for kids walking in the street during snow.

Klavins: City has increased the number of parking spaces in the downtown since 2003.

Burr: Palisades is working on the outage and re-fueling.

14. Adjourn

Moved by Fitzgibbon to adjourn. Seconded by Kozlik Wall.

Voted Yes: All. Motion carried. Meeting adjourned at 7:56 p.m.

RESPECTFULLY SUBMITTED,



Amanda Morgan, CMC
City Clerk

Approved by City Council: