

City Council

Regular Meeting Minutes

Monday, February 15, 2016
7:00 p.m., Council Chambers



1. **Call to Order by Mayor Burr at 7:00 p.m.**
2. **Invocation – Father Rick Turner, Pastor at Holy Trinity Anglican Church**
3. **Roll Call**

Present: Jeff Arnold, Clark Gruber, Andy Klavins, Vickiy Kozlik Wall, Steve Schlack, Scott Smith, Bob Burr
Absent: None.

4. **Approval of Agenda**

Moved by Arnold, seconded by Smith, to approve the agenda.
Voted Yes: All. Motion carried.

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

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

- A. Council will be requested to approve the City Council Joint Workshop Minutes from January 27, 2016.
- B. Council will be requested to approve the City Council Regular minutes for February 1, 2016.
- C. Council will be requested to approve the City Council Special Closed Workshop minutes for February 1, 2016.
- D. Council will be asked to approve invoices totaling \$307,089.88 for the period ending February 14, 2016 be approved and forwarded to the Clerk and Treasurer for payment.
- E. Council will be asked to approve the following minutes:
 - 1) December 8, 2015 Parks Commission minutes;
 - 2) December 16, 2015 Housing Commission minutes;
 - 3) January 7, 2016 Planning Commission minutes; and
 - 4) January 19, 2016 Harbor Commission minutes;

A Roll Call Vote was taken:

Yeas: Arnold, Gruber, Klavins, Kozlik Wall, Schlack, Smith, Burr
Nays: None.

Motion carried.

NEW BUSINESS

- 6. Council will be asked to consider Resolution 2016-10, a resolution granting local government approval of a liquor license transfer from 561 Huron Street, Café Julia, to 527 Phoenix Street.**

Background Information:

The City Council will be asked to consider approval of Resolution 2016-10, a resolution granting local government approval of a liquor license transfer from 561 Huron Street, Café Julia, to 527 Phoenix Street.

The Class C liquor license transfer is requested by Mr. Jay Marcoux, on behalf of his businesses. Marcoux is the owner of both 561 Huron Street and 527 Phoenix Street. As noted in Marcoux's correspondence, he is working to develop a restaurant concept at 527 Phoenix Street, and the liquor license from his other business is desired for the new concept. The correspondence notes that the transfer process, involving the Michigan Liquor Control Commission (MLCC,) is likely to take time and Marcoux asks the City Council to consider action on the local approval.

Staff has reviewed the liquor license transfer request and has expressed no objections and/or concerns. Staff notes that the request is a transfer of an existing Class C liquor license, and does not add an additional license to the city.

Moved by Gruber, seconded by Klavins, to approve Resolution 2016-10, a resolution granting local government approval of a liquor license transfer from 561 Huron Street, Café Julia, to 527 Phoenix Street.

Voted Yes: All. Motion carried.

- 7. Council will be asked to consider a motion to approve a one year agreement with the Greater South Haven Area Chamber of Commerce for the management and oversight of the city's farmers' market operations.**

Background Information:

The City Council will be asked to consider renewal of the one year agreement with the Greater South Haven Area Chamber of Commerce, for the management and oversight of the city's farmers' market operations.

The agreement seeks to continue the arrangement which places management of the farmers' market, which operates from May 1st through October 31st on Saturdays and Wednesdays (June, July, and August only) at the Huron Street pavilion, into the Chamber of Commerce's staff's control. Under the agreement, the Chamber of Commerce will manage a website, promote the market, take applications, assign vending/parking/staging spaces to the vendors, ensure the market is open for the standard hours of operation, secure payments from vendors, provide customer service to vendors and the public, along with other duties. The agreement seeks to renew the payment terms from the previous year. The agreement provides the Chamber of Commerce with \$15,000 for its services. The agreement further provides that the city shall pay the Chamber of Commerce 50% of any vendor license fees in excess of a total of \$15,000 for the 2016 Farmers' Market season. Finally, the agreement provides an

allowance of up to \$1,500 in total marketing and promotion expenses. For the 2015 season, the city observed total cash flow of \$39,835 at the Farmers' Market, and was able to fund the market management agreement through market revenue.

For the past several months, the city's staff has been in negotiations with the Chamber of Commerce, with the intent of having the chamber's staff continue the management of the farmers' market. The Chamber of Commerce has added a full-time staff member, so the additional market duties could be absorbed by this staff member. This agreement allows for farm market customer service throughout the calendar year. Staff has found that similar management agreements are used for public farmers' markets in Midland, Petoskey, Sparta, Brighton, Howell, and Grand Haven.

Kathy Wagaman, Director of the Chamber of Commerce, spoke to Council on this issue and answered questions posed by the members.

Moved by Schlack, seconded by Kozlik Wall, to approve a one year agreement with the Greater South Haven Area Chamber of Commerce for the management and oversight of the city's farmers' market operations.

Voted Yes: All. Motion carried.

8. Council will be asked to consider the following approvals:

Background Information:

The City Council will be asked to consider the approval of updated operating agreement and alcohol service policy with the Liberty Hyde Bailey Museum (LHBM), located at 903 South Bailey. The agreement and policy will allow the LHBM to continue their operations and will also allow special events at the facility which may feature alcohol service. Additionally, the Council will be asked to consider approval of the 2016 special events at LHBM, which may feature alcohol service.

At the January 5, 2015 regular meeting of the City Council, the Council approved final action on a code amendment that repealed Chapter 58, Article II, Division 3 of the city's Code of Ordinances. When the amendment was approved, the LHBM was able to consolidate the governance of the museum.

Prior to approval, the city's staff and attorney actively worked with representatives from LHBM. During that time, it was noted that LHBM had two governing bodies. The LHBM was a public board which was created by ordinance that consisted of up to seven members appointed by the City Council. The LHBM also had a Memorial Fund, which was a private non-profit corporation. The non-profit was created for the purpose of promoting and improving the museum. Many of the LHBM board members were active in the non-profit, and the functions of the two bodies overlapped. For many months, staff and the attorney worked with LHBM to determine the most prudent way to address the museum's management structure. Staff recommended this approach, as it allowed for continued local control, but provides LHBM with greater flexibility (e.g., this approach allows LHBM to recruit members from the city and from outside of the city and adopt new bylaws which allow for greater fundraising opportunities.)

The ordinance amendment struck Chapter 58, Article II, Division 3 of the city's Code of Ordinances, which was the portion of the code that established the LHBM Board. The ordinance amendment allowed the city to establish a new governing structure at the LHBM, through an operating agreement with the LHBM non-profit.

For tonight's meeting, the Council is asked to consider renewal of the LHBM operating agreement. The LHBM Board is requesting the Council consider extending the agreement from a one-year agreement to a five-year agreement.

Please note; the ordinance amendment preserved the LHBM's status as a public park. However, the ordinance amendment made clear that the LHBM's oversight will be provided by the City Council, instead of the city's Parks Commission.

In addition to the LHBM operating agreement, the Council will be asked to consider renewal of the alcohol service policy. During the 2015 calendar year, the Council approved an alcohol service policy for LHBM, which allowed the facility to host events which featured alcohol service. As with the city's other alcohol service agreements, the facility must comply with a variety of regulations (e.g., the facility may not charge for the alcoholic beverages, the facility must request permission to host the events, the services must comply with all regulations from the Michigan Liquor Control Commission, the services must be limited to the confines of the facility area, the facility must provide liability insurance to the city, along with other regulations.)

The purpose of the alcohol service policy is to ensure the city and LHBM comply with the city's Code of Ordinances, section 54-105(a), which provides that no person shall consume or possess alcoholic beverages in a public place within the city, unless specifically permitted by resolution of the Council. The LHBM has provided an annual listing of planned events which include alcohol service. The Council will need to adopt an updated alcohol service agreement. Further, the Council will need to consider approval of the LHBM's listing of planned events which include alcohol service (please note, LHBM is requesting an increase in events from six events to ten events.)

- a. Council will be asked to consider a motion to approve the five year operating agreement and alcohol service policy with Liberty Hyde Bailey Museum, 903 South Bailey, to be effective from 2016 calendar year through 2021 calendar year.**

Moved by Klavins, seconded by Smith, to approve the five year operating agreement and alcohol service policy with Liberty Hyde Bailey Museum, 903 South Bailey, to be effective from 2016 calendar year through 2021 calendar year.

Voted Yes: All. Motion carried.

- b. Council will be asked to consider a motion to approve the annual alcohol service special events list from Liberty Hyde Bailey Museum for the 2016 calendar year.**

Moved by Smith, seconded by Arnold, to approve the annual alcohol service special events list from Liberty Hyde Bailey Museum for the 2016 calendar year.

Voted Yes: All. Motion carried.

9. Council will be asked to approve the following events:

- a. Special Event Application 2016-01 – Harborfest 2016 to be held on June 16-19, 2016 beginning at noon on June 16, 2016 at Riverfront Park.**

Background Information:

Harborfest is scheduled for June 16-19, 2016. This will be the 25th annual celebration of Harborfest. At this event there will be live music, food vendors, craft vendors, dragon boat races, entertainment on stage by marina and more.

The event application seems to mirror last year's application. The "beer garden" will again be on the grassy area as shown on the map included in the application (pending approval of temporary liquor license).

Moved by Arnold, seconded by Gruber, to approve Special Event Application 2016-01 – Harborfest 2016 to be held on June 16-19, 2016 beginning at noon on June 16, 2016 at Riverfront Park.

Voted Yes: All. Motion carried.

- b. Special Event Application 2016-03 – North Shore Elementary 5k/Field Day to be held on June 7, 2016 from 9:30 a.m. to 11:30 a.m. with the route planned for Baseline Road, Kentucky Avenue, and North Shore Drive.**

Background Information:

North Shore Elementary is asking to hold their 5K/Field Day once again. This event is to celebrate the end of the school year. The event will take place from 9:30 a.m. to 11:30 a.m. on June 7, 2016 and an alternate date of June 8, 2016. The 5K will follow the regular North Shore 5K route through the city. The students and staff will begin at the school and end at the school, like previous years.

Moved by Kozlik Wall, seconded by Klavins, to approve Special Event Application 2016-03, North Shore Elementary 5k/Field Day to be held on June 7, 2016 from 9:30 a.m. to 11:30 a.m. with the route planned for Baseline Road, Kentucky Avenue, and North Shore Drive.

Voted Yes: All. Motion carried.

10. Council will be asked to consider Resolution 2016-11, a resolution appointing a Board of Review, establishing a rate of compensation and meeting schedule for tax year 2016.

Background Information:

The Assessor's Office submits the proposed resolution appointing the board members, setting the board's compensation, and setting the meeting dates for tax year 2016.

Moved by Kozlik Wall, seconded by Smith, to approve Resolution 2016-11, a resolution appointing a Board of Review, establishing a rate of compensation and meeting schedule for tax year 2016.

Voted Yes: All. Motion carried.

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

No comments.

12. City Manager's Comments

No comments.

13. Mayor and Councilperson's Comments

Kozlik Wall – IceBreaker Festival was fantastic. Many people in town for Valentine's Day supporting local businesses.

Schlack – Appreciates emails and correspondence from Ward 3 residents.

Gruber – Planning Commission workshop this week on Wednesday at 10 a.m. in Council Chambers.

Arnold – No comment.

Smith – Boy Scout Troop #188 survived winter camping last weekend. Appreciates comments from Ward 1 residents.

Klavins – Boys basketball is ranked fourth in the state.

Burr – Don't forget to support We Care's Island Sit on February 27, 2016 at the Phoenix street traffic island – it's a fundraiser for heating assistance.

14. Adjourn

Moved by Kozlik Wall, seconded by Klavins, to adjourn the meeting.

Voted Yes: All. Motion carried. Meeting adjourned at 7:22 p.m.

RESPECTFULLY SUBMITTED,



Kate Hosier
Deputy City Clerk

Approved by City Council: