

City Council

Regular Meeting Minutes

Monday, December 5, 2016
7:00 p.m., Council Chambers



1. **Call to Order by Mayor Burr at 7:00 p.m.**
2. **Invocation – Reverend Gini Heller – First United Methodist Church**
3. **Roll Call**

Present: Jeff Arnold, Clark Gruber, Andy Klavins, Vickiy Kozlik-Wall, Steve Schlack, Scott Smith, Robert Burr

Absent: None

4. **Approval of Agenda**

Moved by Kozlik-Wall, seconded by Arnold, to approve the agenda.

Voted Yes: All. Motion Carried

5. **Council will be asked to consider a motion to formally affirm and recognize Ms. Natalie Thompson as the City of South Haven's new Chief of Police.**

City Manager Brian Dissette spoke briefly about Natalie Thompson's background, as well as the overall Police Chief search process.

6. **Consent Agenda: Items A through I (Roll Call Vote Required)**

(All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. Unless requested by a Council Member or a citizen, there will be no separate discussion on these items. If discussion is required regarding an item, that item will be removed from the Consent Agenda and considered separately.)

- A. Council will be asked to approve the regular City Council minutes for November 21, 2016.
- B. Council will be asked to approve invoices totaling \$1,064,473.39 for the period ending December 4, 2016 to be approved and forwarded to the Clerk and Treasurer for payment.
- C. Council will be asked to award a contract for Digester Mixing Improvements to Franklin Holwerda Company of Wyoming, Michigan in the amount of \$361,700.00.
- D. Council will be requested to approve the employment agreement for the City Manager.
- E. Council will be requested to approve the bid from Risky Business, in the amount of \$15,280, for the demolition of the structures at 310 and 312 Edgell Street, per the recommendation from the city's Construction Board of Appeals.
- F. The City Council will be asked to approve an amendment to the license agreement with Soha Surf Shop for Black River Park Kayak Rentals dated January 4, 2016.

- G. The City Council will be asked to approve an amendment to the license agreement with Soha Surf Shop dated November 11, 2014 for watercraft rentals at the South Beach.
- H. Council will be asked to approve the payments for bond issuance costs to Dickinson Wright PLLC in the amount of \$31,000 and Robert W Baird & Co. in the amount of \$28,500.
- I. Council will be asked to accept the following meeting minutes:
 - 1) October 20, 2015 Liberty Hyde Bailey Museum Memorial Fund minutes
 - 1) September 19, 2016 Brownfield Redevelopment Authority minutes;
 - 2) October 10, 2016 Local Development Finance Authority minutes;
 - 3) October 31, 2016 Board of Public Utilities minutes

A Roll Call Vote was taken:

Yeas: Arnold, Klavins, Gruber, Kozlik-Wall, Schlack, Smith, Burr

Nays: None.

Motion carried.

NEW BUSINESS

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

- a. Special Event 2016-49, Paws on Parade Furry 5K to be held on June 18, 2017 from 7:00 a.m. until 12:00 p.m. at Kid's Corner, and along St. Joseph Street to Maple Street for one block to the Kal-Haven Trail.**

Grace Gilmore, Al-Van Humane Society board member, spoke briefly about the event. Ms. Gilmore explained the reasons for the change to both the date and the finishing location from last year's event. Ms. Gilmore also provided Councilmembers with a route map.

Moved by Kozlik-Wall, seconded by Klavins, to approve Special Event 2016-49, Paws on Parade Furry 5K to be held on June 18, 2017 from 7:00 a.m. until 12:00 p.m. at Kid's Corner, and along St. Joseph Street to Maple Street for one block to the Kal-Haven Trail.

Voted Yes: All. Motion carried.

- b. Special Event 2016-50, South Beach Triathlon to be held on August 26, 2017 from 8:00 a.m. until 1:00 p.m. at the South Beach and in the parking lot.**

City Manager Dissette explained the event, and specifically addressed the need for city staff to communicate with the Van Buren County Road Commission and with South Haven Charter Township regarding right of ways. Klavins commented that it was nice to see event organizers submitting requests for approval well ahead of their event date.

Moved by Gruber, seconded by Smith, to approve Special Event 2016-50, South Beach Triathlon to be held on August 26, 2017 from 8:00 a.m. until 1:00 p.m. at the South Beach and in the parking lot.

Voted Yes: All. Motion carried.

- c. Special Event 2016-51, The South Haven Summer Series to be held July 9, July 16, July 23, and July 30, 2017 from 7:00 p.m. until 8:30 p.m. at Riverfront Park East.**

City Manager Dissette spoke on behalf of Hope Church. Dissette informed the Council that Hope Church intends to rotate dates with other local religious organizations.

Moved by Smith, seconded by Klavins, to approve Special Event 2016-51, The South Haven Summer Series to be held July 9, July 16, July 23, and July 30, 2017 from 7:00 p.m. until 8:30 p.m. at Riverfront Park East.

Voted Yes: All. Motion carried.

- 8. Council will be asked to consider hosting a public hearing related to a proposed amendment to the city's Code of Ordinances. The proposed code amendment seeks to prohibit refuse collection activities during the hours of 12:00 a.m. until 6:00 a.m.**

City Manager Dissette spoke briefly about the proposed amendment, as well as the noise that is being caused by refuse collectors during the overnight hours. Dissette explained that the city has attempted to work with refuse haulers in the past to limit the amount of overnight work, but that an ordinance amendment is now necessary. Mayor Burr spoke about the noise as well, and attributed most of the problems to the beeping sounds the trucks make while in reverse.

Moved by Gruber, seconded by Kozlik-Wall, to set a public hearing related to proposed amendment to the city's Code of Ordinances seeking to prohibit refuse collection activities between the hours of 12:00 a.m. and 6:00 a.m., to occur on December 19, 2016 at 7:00 p.m. in the Council Chambers.

Voted Yes: All. Motion carried.

- 9. Council will be asked to consider a motion setting a public hearing to occur on December 19, 2016 at 7:00 p.m. in Council Chambers regarding the proposed plan amendments extending the terms of the Local Development Finance Authority (LDFA) parks #1, #2, and #3.**

Assistant City Manager Kate Hosier gave a brief description of the plan amendments.

Moved by Smith, seconded by Schlack, to set a public hearing to occur on December 19, 2016 at 7:00 p.m. in the Council Chambers regarding the proposed plan amendments extending the terms of the Local Development Finance Authority (LDFA) parks #1, #2, and #3.

Voted Yes: All. Motion carried.

- 10. The City Council will be asked to consider approval of Resolution 2016-91, a resolution setting a public hearing regarding the proposed amendment to the city's**

Brownfield Plan for 220 Aylworth & 1280 Kalamazoo (the former “Bohn” building) to occur on December 19, 2016 at 7:00 p.m. in Council Chambers.

Assistant City Manager Hosier briefly described the amendment to the city’s Brownfield Plan.

Moved by Arnold, seconded by Smith, to approve Resolution 2016-91, a resolution setting a public hearing regarding the proposed amendment to the city’s Brownfield Plan for 220 Aylworth & 1280 Kalamazoo (the former “Bohn” building) to occur on December 19, 2016 at 7:00 p.m. in the Council Chambers.

11. Council will be asked to consider reauthorization of the seasonal usage of golf carts on designated public streets. Council will be asked to consider one of the following options:

- A. The City Council should adopt Resolution 2016-92, a resolution authorizing the continued usage of golf carts on public streets.**
- B. The City Council could consider approval of Resolution 2016-92, a resolution authorizing the continued usage of golf carts on public streets, with the addition of a sunset provision, to occur on December 31, 2017.**

City Manager Dissette described the golf cart usage resolution, which would allow either permanent use or for only one year (the addition of a sunset clause). Dissette explained that aside from the possible sunset clause, the resolution is a mirror of the one that was approved in 2015. The new resolution would also allow for a city-wide registration to be instituted, but per State of Michigan guidelines, there can be no fee charged for registration.

Mayor Burr asked for clarification regarding the city adopting the State’s law in order to avoid liability.

Moved by Smith, seconded by Schlack, to adopt Resolution 2016-92, a resolution authorizing the continued usage of golf carts on public streets (option A, no sunset clause).

Voted Yes: All. Motion carried.

12. Council will be asked to consider a motion to introduce an amendment to the city’s parking ordinance.

City Manager Dissette explained the need for an amendment. The city has historically amended the ordinance over and over, to the point that it is difficult to understand. As a result, the city has contracted with Dickinson Wright to draft a complete rewrite of the ordinance.

Assistant City Manager Hosier briefly described the re-write, along with the new schedule for violations.

Mayor Burr brought up concerns about oversized vehicles protruding into the street in the downtown area.

Moved by Smith, seconded by Klavins, to introduce an amendment to the city's parking ordinance.

Voted Yes: All. Motion carried.

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

Paul Vandenbosch, 757 Superior, spoke on behalf of the Two Rivers Coalition, inviting the Council and all residents to the annual meeting to be held on Wednesday, December 7, 2016.

14. City Manager's Comments

City Manager Dissette thanked everyone involved with the Police Chief search, particularly the search committee. Dissette also thanked James Leppa for his efforts in decorating the downtown area for Christmas, as well as in helping to organize the parade.

15. Mayor and Councilperson's Comments

Smith complimented the volunteers on the Christmas lights.

Arnold encouraged residents to notify the police if they observe anything unlawful going on with regard to golf cart usage. Arnold also expressed his support for the parking ordinance amendment, and thanked James Leppa for his hard work.

Gruber thanked the Police Chief search committee for their work, and emphasized his support for Chief Thompson.

Schlack asked that information regarding the golf cart ordinance be made readily available to folks registering in 2017.

Kozlik-Wall expressed her gratitude toward the volunteers that decorated the downtown area.

Mayor Burr asked if leaf pickup ends, and also whether or not it will resume again the spring. City Manager Dissette responded that pickup will continue until there is snow on the ground, and that it will indeed take place again in the spring.

16. Council will be asked to go into closed session pursuant to Michigan Open Meetings Act; Public Act No. 267 of 1976; MCL 15.268(h) to discuss a written legal opinion.

- A. The City Council will be asked to approve an agreement in a form acceptable to the Mayor, City Manager, and the City Attorney to resolve a dispute concerning use of two structures in the city as discussed during the closed session.**

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Moved by Gruber, seconded by Arnold, to go into closed session pursuant to Michigan Open Meetings Act; Public Act No. 267 of 1976; MCL 15.268(h) to discuss a written legal option.

A Roll Call vote was taken:

Yeas: Gruber, Klavins, Kozlik-Wall, Schlack, Smith, Arnold, Burr

Nays: None

Motion carried.

Moved by Gruber, seconded by Klavins, to return to open session.

A Roll Call Vote was taken:

Yeas: Klavins, Kozlik-Wall, Schlack, Smith, Arnold, Gruber, Burr

Nays: None

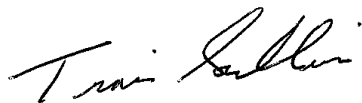
Motion carried.

17. Adjourn

Moved by Arnold, seconded by Kozlik-Wall, to adjourn the meeting.

Voted Yes: All. Motion carried, meeting adjourned at 8:42 p.m.

RESPECTFULLY SUBMITTED,



Travis Sullivan
City Clerk