

# Harbor Commission

## Regular Meeting Minutes

Tuesday, August 20, 2013  
5:30 p.m., City Hall Council Chambers  
South Haven City Hall



City of South Haven

### 1. Call to Order

#### Roll Call:

Present: Stephens, Pyle, Reineck, Silverman, Strong, Arnold  
Absent: Sullivan

### 2. Approval of Agenda

Motion by Silverman, second by Strong to approve the agenda as presented.

All in favor. Motion carried.

### 3. Approval of Minutes:

- June 18, 2013 Regular Meeting
- July 16, 2013 Regular Meeting
- July 16, 2013 Workshop

Motion by Stephens, second by Reineck to approve the June 18, 2013 Regular Meeting minutes, the July 16, 2013 Regular Meeting minutes and the July 16, 2013 Workshop minutes.

All in favor. Motion carried.

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

None at this time.

### 5. Marina Reports

VandenBosch reviewed the Marina Reports with the board.

Silverman hopes that by the end of the season the Marina Manager can join us and provide an analysis of what has been done in the past and what the manager thinks should be done in the future to increase revenues. Silverman also suggested a careful look at transient charges; noted that most municipal marinas are charging more.

Arnold wondered if, with the low water issues experience this spring, more should have been done throughout the season to let people know that the water levels were higher than they were initially.

Pyle said "Pure Michigan" marketing has a focus of staying close to home; we are seeing families that are not staying so local coming from further away. Expressed the need to be sure the community, as a whole, is being marketed well.

Reineck noted weather, fuel prices and lousy fishing as reasons for the lower numbers of transients and day launchers this year. Pyle pointed out that their business sold more seasonal passes this year; people seem to like the gate system better when used with the seasonal pass. Asked whether the commission can see a report on how many passes are being used. Reineck pointed out that the price of fuel is greater here in South Haven than in adjacent ports.

## **6. Old Harbor Moorings**

One of the applicants distributed a handout regarding the Old Harbor Moorings' request.

VandenBosch introduced the application; noted that there is a drawing with the harbor lines indicated, but not the proposed pilings, so it is hard to tell whether the dock extensions are within the harbor lines or not. Not sure the application has all the information we need to make a decision.

Silverman asked which line the commission is to use when considering projects, the project line or the harbor line to which VandenBosch responded, "The city project lines." Silverman asked which is shown here. VandenBosch indicated that Mitchell & Morse Surveys are showing the federal harbor line, not the city project line, according to the drawing included in the packet. Silverman noted that the City project lines seem to coincide with the Federal Harbor lines.

VandenBosch pointed the commission to the drawing on page thirty-eight (38) of the agenda packet; the illustration appears to show at least some docks going beyond the harbor lines. The applicant noted that there used to be floating docks, but when we replaced those, we got permission from the Army Corps of Engineers to extend those two docks. VandenBosch asked if all the docks are being proposed to extend five (5) feet. Reineck asked whether the request to extend all the docks five (5) feet means the two at the end would be ten (10) feet beyond the harbor lines.

Tom Hudson, Treasurer; Old Harbor Moorings: Noted that with the low water and dredging there continues to be erosion. The board wanted to make the project more attractive to the association members by extending the docks. Silverman pointed out there is a provision that he believes does not allow the commission to approve structures that extend beyond the harbor line, in which case non-conforming docks being replaced or rebuilt would be required to extend less.

VandenBosch pointed the commissioners to page twenty-eight (28) of the agenda packet; there are questions (findings) which the Harbor Commission needs to consider. All questions must be answered "no" for a project to be approved. Number One (1) asks "Does any portion of the proposed project extend beyond the City Project Lines?"

Reineck asked if in reconstructing the sea wall there will be some space lost, to which Hudson responded that every time a sea wall is put in, there is a little loss because the new sea wall has to be put in front of the existing seawall.

Discussion ensued regarding docks across the river from Old Harbor Moorings; those docks appear to need replacement. Reineck observed that the docks across the river look structurally unsound.

Strong commented that his biggest issue with extending the Old Harbor Moorings docks further than they are is that no other marina in the river has boats that stick out past the docks further. Strong indicated that some boats extend ten (10) feet beyond the docks and questioned if the proposed extension of the Moorings docks means the association members will put in even bigger boats and stick out even further.

Silverman has personal concerns about impeding the traffic as it waits for the bridge in that area; however he noted that concern is somewhat irrelevant because he cannot get past the ordinance.

Stephens noted that any proposed development is supposed to include certain information for the board to consider. VandenBosch said he would normally include a written recommendation; in this case he recommends that this board recommend that the Planning Commission deny this request because of the extension of the docks.

Jim Fulton, President, Old Harbor Moorings. Showed an as built drawing and asked which line is the City project line and which is the federal harbor line. VandenBosch responded that he would ask the applicant that question. Fulton noted that his understanding is that the city project line goes to the corner of Nichols dock, ten (10) feet inside the harbor lines, and from that point corresponds with the federal harbor line.

Motion by Strong to table this request until we are provided with more information. Silverman said if those lines are the same then it would seem to me that we can accept that as their representation. On that basis the board has no ability to approve it. Silverman would like to put it off for a month, if it would benefit the applicant; otherwise, it should be denied.

Fulton pointed out that the association board has Department of Environmental Quality (DEQ) and Corps of Army Engineers permits. Silverman noted that he does not know what the DEQ's or the Corps' criteria are but one of Harbor Commissions' concerns is navigation, which is why the Commission has no authority to approve this proposal.

For lack of a second, Strong withdrew his motion.

Motion by Stephens to deny the application from Old Harbor Moorings, based on information received.

Silverman asks for amended motion with specifics.

Motion by Stephens to deny the application from Old Harbor Moorings, based on the fact that the application shows that the proposed project extends beyond the City project lines. Second by Silverman.

(An Aye vote is a vote to deny the request.)

Ayes: Stephens, Reineck, Silverman, Strong, Arnold

Nays: Pyle

Motion carried.

## **7. Marina Facility Rental**

VandenBosch noted we have a new facility, the Northside Marina Building that is only used six (6) months out of the year. There have been requests to use it for a variety of events. VandenBosch pointed out that during the time the Northside and Southside Marinas are closed, it is possible the marina buildings could be rented out or made available for groups use the facilities.

VandenBosch has compiled some policies for the Commission to review and comment on.

There were questions and discussions regarding heating the facility; VandenBosch noted that the type of heating in the Northside building requires some time to heat up.

Pyle questioned the caterers cleaning, noting that for many events the caterers are not still there when the event ends, and recommended a cleaning deposit with the responsibility for clean-up and a clean-up deposit on the person doing the renting.

Silverman asked whether VandenBosch has looked at other facilities. VandenBosch looked into Shadowlands in the City of St. Joseph which is located near the Children's Museum and carousel.

Silverman wondered about permitting alcohol. VandenBosch said it is permitted at Shadowlands, but he is not sure whether it will be permitted here.

In regards to occupancy Silverman asked if the fire department occupancy determination is appropriate to determine occupancy for the facility.

There were questions about the city being involved in approving the caterers. VandenBosch noted that Shadowlands gets part of their revenue from the catering. Silverman would like to leave the catering and cleaning the responsibility of the renter, and the city not in the business of approving caterers.

Discussion ensued regarding allowing local people to have a place to meet. Stephens suggested a resident and non-resident rate.

Reineck did not see how renting out this facility would work without alcohol. Whether there would be additional liability expense was discussed. VandenBosch said he has asked for some help on that and has not gotten any information back. Pyle noted that Harborfest had a tent where alcohol was served by special permit. After discussion VandenBosch noted that the city's liability policy is a blanket policy, the question would be whether this additional use would be included.

There was discussion of the parking being ample off-season. Silverman noted the disadvantage of having to go outside to use the restroom; suggested some sort of canopy or covering for the walkway. VandenBosch noted that the plan is for all city facilities to be shoveled. VandenBosch noted the lack of facilities for seminars and training.

VandenBosch noted the commission has provided him with a lot of helpful information and will bring more information back next month after doing more research. Strong asked about requests to use the facility and VandenBosch noted that there have been some events held there already. Discussion ensued regarding the differences in the size and furnishing between the North and South marina facilities.

## **8. General Comments**

There were none.

## **Member and Staff Comments**

VandenBosch gave the commission a dredging update, noting that the private dredger is mostly moved out but will be back with excavators for some areas that were too low to use the pipes efficiently. Corps of Army Engineers has said they will be coming, probably next week, and will be focusing on the pier heads.

Fidelman withdrew his request due to it being late in the season. VandenBosch noted Fidelman may return with his request next year.

VandenBosch updated the commission regarding the Dyckman Bridge repairs; the bridge will not be open for boats between October 15<sup>th</sup> and April 1<sup>st</sup>; depending on the contractor. The bridge will be closed to pedestrian and vehicular traffic October 1<sup>st</sup> to April 1<sup>st</sup>. VandenBosch noted that a contractor has not yet been selected. Pyle wondered if boats that do not need the drawbridge up will be able to get through; VandenBosch responded that will likely depend on what repairs are being done at the time. Stephens asked if there will be a detour for vehicular traffic, to which VandenBosch said there will be signs to direct people around the bridge. Reineck suggested widening the sidewalk. VandenBosch responded that the city applied for grants twice, with a wider sidewalk, which was an additional \$800,000. We had to take the sidewalk widening out to get the grant for the repairs and upgrades. Arnold noted that the sidewalk was brought up at council and it is being looked into. Discussion ensued regarding the specifics of the planned project. VandenBosch commented that the hydraulic and electric components are the main focus, as well as replacement of the deck.

Pyle commented regarding the dredging that there were many problems with the pipes floating up under boats. There were some damage complaints and Pyle wondered how the city is handling the complaints. VandenBosch noted that people are referred to the contractor and told if the contractor does not give satisfaction to call the city back. VandenBosch stated that he hasn't gotten any call backs. Pyle said she is aware of some who are working through their insurance companies and if that fails, they plan to contact the contractor.

Arnold noted that Council was made aware that one of the residents whose house is behind the new North Side Marina facility had a problem with the view. VandenBosch said the complainant was at Harbor Commission meetings and workshops some years ago; she was opposed to the project. VandenBosch pointed out that the city did change the plans to a single story instead of two stories partly because of the complainant's comments and also because of the cost of Americans with Disabilities Act (ADA) requirements for an elevator to a second story. Silverman recalls the complainant's primary focus as the second story. Reineck pointed out that he hears that that the complainant is unhappy, but if he has a property across the road from the lake and someone builds on the lake and blocks his view; that is just the way it is.

Pyle asked about surveys to the boaters, to which VandenBosch responded we should be getting updates from the Marina Manager on what he has been doing to get information from the boaters.

Silverman asked for rate comparables. VandenBosch asked which marinas are good comparables. Silverman noted the rates for municipals vary; he will provide VandenBosch with a list of what he has been charged for a thirty (30) foot sailboat

## **Adjourn**

Motion by Reineck, second by Silverman to adjourn at 6:35 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom  
Recording Secretary