

City Council

Regular Meeting Minutes

Monday, January 21, 2013
7:00 p.m., Council Chambers



1. **Call to Order by Mayor Burr at 7:00 p.m.**
2. **Invocation by Mike Dubbink, Youth Minister – Hope Reformed Church**
3. **Roll Call**

Present: Arnold, Fitzgibbon, Gruber (arrived 7:23 p.m.), Klavins, Kozlik Wall, Patterson, Burr
Absent: None

4. **Approval of Agenda**

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

Voted Yes: All. Motion carried.

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

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

- A. Council will be requested to approve the City Council Minutes of January 7, 2013.
- B. Bills totaling \$1,311,906.83 for the period ending January 20, 2013 be approved and forwarded to the Clerk and Treasurer for payment.
- C. Council will be asked to approve a 2013 employment agreement with the City Manager, Brian Dissette.
- D. Council will be asked to approve the following resolutions regarding MERS contributions:
 - 1) Resolution 2013-02: Resolution for Changing MERS Benefits for City Manager.
 - 2) Resolution 2013-03: Resolution for Changing MERS Benefits for Non-Union.
 - 3) Resolution 2013-04: Resolution for Changing MERS Benefits for Police.
 - 4) Resolution 2013-05: Resolution for Changing MERS Benefits for TPOAM.
- E. Council will be asked to receive the following administrative reports and approved minutes to be placed on file:
 - 1) Local Development Finance Authority: Minutes, November 12, 2012.
 - 2) Liberty Hyde Bailey Museum Board: Minutes, November 20, 2012.
 - 3) South Haven Memorial Library Board: Minutes, December 11, 2012.
 - 4) Parks Commission: Minutes, December 11, 2012.

A Roll Call Vote was taken:

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

Motion carried.

BOARD & COMMISSION APPOINTMENTS

6. City Council will be asked to consider the appointment of Patti Montgomery-Reinert to fill a vacant 3-year term on the Parks Commission expiring in 2014.

Patti Montgomery-Reinert introduced herself to City Council as an applicant for the Parks Commission.

Moved by Fitzgibbon to appoint Patti Montgomery-Reinert to fill a vacant 3-year term on the Parks Commission expiring in 2014. Seconded by Patterson.

Voted Yes: All. Motion carried.

NEW BUSINESS

7. City Council will be asked to consider Resolution 2013-06: A Resolution recognizing Waterfront Film Festival as a non-profit organization for a Charitable Gaming License.

Background Information: In order to conduct raffles within the State of Michigan, organizations must apply for a license through the State of Michigan Charitable Gaming Division. Representatives from the Waterfront Film Festival would like to conduct raffles to fundraise for their organization.

The resolution, required by MCL.432.103(9), recognizes Waterfront Film Festival as a nonprofit organization operating within the South Haven community, for the purpose of obtaining a charitable gaming license. Should the license be approved, it will be used for their Oscar Party Fundraiser in February, as well as during the actual event. A copy of the resolution must be submitted with their license application.

The City of South Haven has received similar requests in the past from the Al-Van Humane Society, South Haven Center for the Arts, Habitat for Humanity, and We Care.

Moved by Fitzgibbon to approve Resolution 2013-06: A Resolution recognizing Waterfront Film Festival as a non-profit organization for a Charitable Gaming License. Seconded by Patterson.

Voted Yes: All. Motion carried.

8. City Council will be asked to introduce an ordinance to add Section 42-29 to the City of South Haven Code of Ordinance to provide City Council authorization for consumption of alcohol in and on City owned property and to amend Section 54-105 of the City of South Haven Code of Ordinances to prohibit the consumption of alcohol in public spaces.

Background Information: Recently, the Downtown Development Authority (DDA) Board approved a motion of support, to the City Council, to allow for the sale and consumption of alcohol on authorized public property. The proposed ordinance allowance could allow for downtown merchants to seek license agreements from the city, which could then be used for outdoor dining with alcohol consumption. Further, the proposed allowance could allow for special events to conduct beer/wine tents on public property. Please note that the sales and/or consumption would only be for property that has the appropriate local approval and license from the Michigan Liquor Control Commission. Based on the DDA's motion of support, the city's staff has been working to determine how this issue could be managed, and possibly considered by the City Council.

The city's attorney has provided an opinion on how this issue could be implemented and managed. That opinion is included within this packet, along with the DRAFT ordinance amendment.

At the December 14, 2012, City Council workshop session, the council members and staff discussed how allowing alcoholic beverages on public spaces could be managed. At the workshop session, the general consensus from the elected officials was to proceed with implementation of the program. Prior to the program implementation, the City Council will need to consider introduction and adoption of a code amendment, which allows alcohol in public spaces.

For tonight's meeting, the City Council is asked to consider introduction of the DRAFT ordinance amendment, which seeks to provide authorization for consumption of alcohol in and on city owned property.

Moved by Kozlik Wall to introduce an ordinance to add Section 42-29 to the City of South Haven Code of Ordinance to provide City Council authorization for consumption of alcohol in and on City owned property and to amend Section 54-105 of the City of South Haven Code of Ordinances to prohibit the consumption of alcohol in public spaces. Seconded by Arnold.

Voted Yes: All. Motion carried.

9. City Council will be asked to consider scheduling workshop sessions to begin the annual priority setting process.

Background Information: Over the coming weeks, the City Council will be asked to host a series of workshops to discuss priority setting for the upcoming fiscal year. Through these conversations, elected and appointed officials will be able to compile lists of items, projects, and concerns. From the lists, the City Council will begin the process of prioritizing their goals for the upcoming year. Based on those priorities, staff will work to develop a draft budget document which is intended to meet the bulk of the council's priorities.

Attached are the approved Fiscal Year 2012-13 Annual Priorities. It is my hope that through the review of the previously approved priorities and goals, the City Council members will develop ideas for the upcoming priority setting workshop.

Possible workshop dates that the City Council could consider are:

- January 28th at 6:00 p.m.
- February 4th at 6:00 p.m.

It is my hope that only one workshop session will be needed for the bulk of the priority setting process. However, an additional session has been scheduled if more time is needed to discuss the priorities. As a result, I am requesting that the City Council schedule one workshop session, but note that the additional workshop session may be needed.

Council determined that an annual priority setting workshop session would be held on Monday, January 28, 2013 at City Hall.

10. City Council will be asked to consider a offloading and transfer site agreement with DK Construction for the placement of dredge spoils.

Background Information: DK Construction has proposed to use the former City Street Garage site to offload dredge spoil from a local marina dredging project. DK Construction proposes to off load material with a crane from a barge directly to a truck. The material would then be moved to another location by truck.

The contractor would pay the City \$50 per day for use of the site.

Moved by Fitzgibbon to approve a offloading and transfer site agreement with DK Construction for the placement of dredge spoils. Seconded by Kozlik Wall.

Voted Yes: All. Motion carried.

11. City Council will be asked to set a public hearing date of February 4, 2013 for consideration of an application to the MSHDA Community Development Grant.

On January 4th, City staff was informed that a new grant opportunity has become available through MSHDA. At the February 4th, 2013 meeting, City Council will be asked to consider an application for improved accessibility and public space to City Hall and Phoenix Street.

The MSHDA Community Development grant is new this year. In March 2012, forty-nine state attorneys general, including Michigan Attorney General Bill Schuette, entered into a settlement with five of the nation's largest mortgage servicers following a lawsuit regarding mortgage foreclosure practices. Among other things, the settlement resulted in direct payments to states. Of Michigan's \$97.2 million share, the Michigan Housing and Community Development Fund (the "MHCD Fund") has been appropriated \$3,709,500 from 2012 PA 296. The total allocation of 2012 funds \$3,785,500 (appropriated funds from 2012 PA 296 plus \$76,000 in recaptured funds) represents the third opportunity to allocate funding to eligible activities under legislation authorizing the MHCD Fund. The MHCD Fund will support projects designed to fuel strategies leveraging public and private resources to meet the affordable housing needs of low income, very low income, and extremely low income households and to finance projects located in a downtown area or adjacent neighborhood.

The application is due on or before February 15, 2013 by 11:59 p.m. Only one application per applicant is permitted. The Michigan State Housing Development Authority ("MSHDA") expects to make 10-15 awards statewide.

Moved by Patterson to set a public hearing date of February 4, 2013 for consideration of an application to the MSHDA Community Development Grant. Seconded by Fitzgibbon.

Voted Yes: All. Motion carried.

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

(You will be given up to 5 minutes to address your concerns.)

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

Councilmember Gruber arrived at 7:23 p.m.

13. City Manager's Comments

14. Mayor and Councilperson's Comments

Klavins: The notice for the Corridor Improvement Authority meeting date was inaccurate. The public information meeting will be held Wednesday, February 6, 2013 at 6:00 p.m.

Arnold: No comments.

Patterson: Congratulations to President Obama on his re-election. Thank you to Lake Michigan College for holding Martin Luther King, Jr. programs. Warm Your Heart Month.

Fitzgibbon: Suggested that everyone be very careful on the roads.

Gruber: Don't wait to study for exams, even if there is a snow day tomorrow.

Kozlik Wall: No comments.

Burr: Corridor Improvement District will not cause a tax increase for any of the properties included in the district.

15. City Council will be asked to go into closed session pursuant to the Michigan Open Meetings Act; Public Act No. 267 of 1978; 15.268; Section 8(e) to consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation.

Due to weather conditions the City's attorney was unable to attend the City Council meeting. As a result, City Council has tentatively scheduled to hold a Special Meeting on Monday, January 28, 2013 at 8:00 p.m. after the priority setting workshop.

16. Adjourn

Moved by Patterson to adjourn. Seconded by Kozlik Wall.

Voted Yes: All. Motion carried. Meeting adjourned at 7:30 p.m.

RESPECTFULLY SUBMITTED,

City of South Haven
Regular Meeting Council Minutes
City Hall, Council Chambers
7:00 p.m., Monday, January 21, 2013

A handwritten signature in cursive script that reads "Amanda Morgan".

Amanda Morgan, CMC
City Clerk

Approved by City Council: February 4, 2013